STANDARDS OF THE MASSACHUSETTS PROBATION SERVICE

OFFICE OF THE COMMISSIONER OF PROBATION

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PROBATION OFFICER

I. NATURE OF WORK

The PROBATION OFFICER. under the direct supervision of the chief probation officer or the assistant chief probation officer, if any, makes a thorough investigation of offender-s personal history, backgound and environment; reports findings to court and is prepared to make appropriate recommendations on dispositions; periodically interviews probationers to determine effectiveness of probation and supervision and areas in which casework and counseling are needed; refers probationer to social resources of community for assistance in rehabilitation; enforces court orders; recommends revoking of probation and/or modification of court orders when necessary.

II. EXAMPLES OF DUTIES AND RESPONSIBILITIES

1. Administrative

a. Performs all assigned duties relating to cases scheduled for appearance in court.

b. Assists as needed in conduct of procedure in the courtroom during court sessions.

c. Plans office activities, conferences, and field visits in connection with investigation and supervision functions.

d. Maintains accurate, up-to-date case records in a neat and legible and prescribed form.

e. Prepares and submits monthly statistical and performance reports on the status of individual caseload.

f. Makes interagency contacts with department heads, division heads and subordinates on matters of policy and procedure.

g. Gathers and evaluates data pertinent to individual cases, both in investigation and supervision, i.e., home, school, church, social agencies and neighborhood, etc.

h. Following court policy has responsibility for monitoring payment orders of the court, i.e., restitution, fines, support orders, etc.

i. Maintains own workbook listing information and contacts with probationers.

2. Casework and Counseling

a. Conducts counseling interviews with assigned cases according to approved counseling techniques in order to determine and clarify probationer's problems; suggests constructive methods for dealing with such problems, and consults with supervisor when necessary.

b. Contacts public and private community agencies and secures their aid in attempting to solve probationer's problems. Continuing and ongoing relationships with agencies are expected.

c. Following a thorough and complete evaluation, refers probationers to community agencies that offer specialized services that are required for a particular individual's needs.

d. Contacts collateral sources for information to evaluate or to verify current information on probationer's adjustment.

e. Establishes an ongoing relationship with probationers in order to carry out the orders of the court.

3. Law Enforcement

a. Enforces all orders handed down by the court.

b. Carefully documents facts and testifies in court with respect to the probationer's activities, behavior and quality of adjustment while under supervision.

c. Following established legal procedures, brings alleged violations of the probationer to the attention of the court and/or brings a probationer before the court as required.

d. Determines when circumstances warrant modification of court orders and initiates the necessary action to procure decision by the court on such modification.

4. Investigations

a. Conducts investigations, prepares appropriate reports focused on the "why" of the individual-s behavior, and is prepared to make recommendations based on these investigations.

5. Public Relations

a. Represents judge and chief probation officer in many phases of meeting the public.

b. Performs various public relations activities, such as addressing community groups, participating in conferences, panel, etc., of other agencies.

c. Plays an important part as consultant in the social planning of the community.

6. Assignments

a. As assigned, perform such other duties as may be directed by the judge in accordance with the high standards of the probation service and any specialized needs of the court.

b. Is subject to assignment by the Chief Administrative Justice among the various Departments and Divisions of the Trial Court.

III. QUALIFICATIONS

1. Line experience

A minimum of one (1) year full time experience in Human or Allied Services.

NOTE: A graduate degree in the behavioral sciences, education, administration, management, law, or criminal

justice may be substituted for the above experience qualification provided. however, a graduate degree may only be substituted for the above experience qualification when the candidate also possesses a bachelor's degree in accordance with the education qualification as described below.

2. Education

A bachelor's or graduate degree from an accredited college or university.

IV. PRESENT TEMPORARY APPOINTMENT

The provisions contained in the preceeding III-1 shall not operate to disqualify any person serving as a temporary probation officer at the time of promulgation of this standard, provided he/she is not serving his/her initial ninety (90) day temporary appointment and providing further he/she is otherwise qualified.

Established and promulgated by the Chief Administrative Justice on February 12, 1979 retroactive to July 1, 1978.

MASSACHUSETTS PROBATION SERVICE
Job Description and Qualifications
ASSISTANT CHIEF PROBATION OFFICER

I. NATURE OF WORK

The ASSISTANT CHIEF PROBATION OFFICER, as supervisor, under the supervision of the chief probation officer (and first assistant chief probation officer, where applicable) has dual responsibilities. He has a teaching responsibility to help those whom he supervises to carry out their jobs with increasing competence, and he has an administrative responsibility to see that the agency work is carried out.

II. EXAMPLES OF DUTIES AND RESPONSIBILITIES

1. Orients, trains and develops workers under his/her supervision through:

a. Scheduling regular conference periods to discuss and review cases and/or policies of the court and the probation service.

b. Being available at other times to the probation officers for consultation on specific cases as the need arises concerning supervision and other related problems.

c. Following and outlining to probation officers uniform policies for supervising various cases.

d. Reviewing and approving all dictation and recording of case records in accordance with prescribed standards and procedures.

e. Familiarizing probation officers with statutes related to their work and changes pertaining thereto.

2. Assigns court duties and cases to workers under his/her supervision for appropriate action.

3. Makes an evaluation of each probation officer's performance and professional conduct in accordance with established personnel practices when necesary and appropriate.

4. Keeps the chief probation officer, the first assistant chief probation officer, when applicable, and the judge informed on problems of the staff and keeps the staff informed on the ideas and thinking of the judge and chief probation officer.

5. Has a working knowledge of appropriate community agencies and shares responsibility with the chief probation officer for strengthening relationships with other agencies in the community and their mutual provision of helpful services.

6. Performs various community relations activities, such as addressing neighborhood groups, participating in committees, conferences, panels and other approved community planning involving service delivery to the court.

7. Supervises and trains field work students who are accepted by the court from the local colleges and universities.

8. Serves as a resource person by which other agencies checking information or service can make contact with this department.

9. Is responsible for supervision and control of Interstate and Intrastate matters as assigned.

10. Prepares and submits monthly statistical reports related to his department to the chief probation officer.

11. Keeps the chief probation officer informed on gaps in local resources and services.

12. Establishes a method of scheduling employees for particular duties; serves as a channel through which probation officers can inform the office at times when they become ill or emergencies arise; coordinates plans for vacation of the staff.

13. Interviews and prepares cases, himself, in the event of illness or other emergencies within the probation staff and gives supportive service to the probation officer in particularly difficult cases.

14. is responsible for sharing with other departments in the court special skills; techniques, methods, etc.

15. Is prepared to assume the supervision of any other probation department of the court, should the need arise.

16. Is subject to assignment by the Chief Administrative Justice among the various Departments and Divisions of the Trial Court.

17. Performs such other duties as may be directed by the judge, chief probation officer or first assistant chief probation officer, in accordance with the high standards of the probation service and any specialized needs of the court.

III. QUALIFICATIONS

1. Line experience

A minimum of two (2) years full time experience in Human or Allied Services.

2. Education

A graduate degree in the behavioral sciences, education, administration, management, law, or criminal justice.

3. Substitution

A total of two (2) years full time experience as a probation officer in the Massachusetts Probation Service may be substituted for the combination of line experience and education requirements as described in 1 and 2 above.

Established and Promulgated by the Chief Administrative Justice on February 12, 1979 Retroactive to July 1, 1978

MASSACHUSETTS PROBATION SERVICE
Job Description and Qualifications
FIRST ASSISTANT CHIEF PROBATION OFFICER

I. NATURE OF WORK

The FIRST ASSISTANT CHIEF PROBATION OFFICER. under the direct supervision of the chief probation officer, exercises direct control and supervision of all probation departments. He has the responsibility of supervising and assigning all cases coming before the court. He is responsible for the supervision and control of all assistant chief probation officers, as well as developing special in-service training programs as needed.

II. EXAMPLES OF DUTIES AND RESPONSIBILITIES

1. Makes decisions regarding:

a. Matters pertaining to the supervision of all assistant chief probation officers in accordance with prescribed procedure.

b. All cases disposed of in the court regarding appropriate recommendations and supervision.

c. Coordination of all referrals to agencies to provide special services to thosee served by the court.

d. Case records and their content and quality standards.

e. The supervision, assignment and control of Interstate matters.

f. The supervision, assignment and control of Intrastate matters.

g. Coordination of special programs of the court.

h. The need for training and developing workers in the court, and assists in planning and implementing these needs.

2. Delegates duties and responsibilities to various department heads.

3. Assists in the evaluation of the assistant chief probation officers when requested.

4. Monitors the flow of work among the various departments of the court for an efficient and effective operation.

5. Keeps the chief probation officer and the judge informed on all matters relating to the staff.

6. Is responsible for collecTing monthly probation statistical reports from assistant chiefs and transmitting these to the chief probation officer.

7. Performs various community relations activities, such as addressing neighborhood groups, participating in committees, conferences, panels, and other approved community planning, involving service delivery to the court.

8. Responds to all approved inquiries regarding cases before the court and cooperates with all approved agencies.

9. Establishes schedules, programs, relating to the staff whenever the need arises.

10. Assumes duties and responsibilities of the chief probation officer in the latter-s absence.

11. Performs such other duties as may be assigned by the judge or chief probation officer in accordnace with the high standards of the probation service and any specialized needs of his court.

III. QUALIFICATIONS

1. Line experience

A minimum of two (2) years full time experience in Human or Allied Services.

2. Education

A graduate degree in the behavioral sciences, education, administration, management, law or criminal justice.

NOTE: A total of two (2) years full time experience as a probation officer in the Massachusetts Probation Service may be substituted for the combination of line experience and education requirements as described above.

Established and promulgated by the Chief Administrative Justice on February 12, 1979 Retroactive to July 1, 1978.

MASSACHUSETTS PROBATION SERVICE
Job Description and Qualifications
CHIEF PROBATION OFFICER

I. NATURE OF WORK

The CHIEF PROBATION OFFICER exercises executive control and supervision of the probation office. He has the responsibility to formulate objectives and programs regarding the services performed within the office in line with legislative enactments, the policies of the judge or judges of the court and approved standards of the Commissioner of Probation. He delegates specific responsibilities to supervising members of his staff. He interprets to the judge the operational conditions and needs of the probation office and, in turn, will interpret to the probation staff the policies of the judge and the Commissioner of Probation.

II. EXAMPLES OF DUTIES AND RESPONSIBILITIES

1. Under the supervision of the judge, the chief probation officer makes decisions regarding:

a. Objectives and philosophy of service to accomplish effective and efficient management and service delivery practices.

b. General operational and organizational policies.

c. Broad policies pertaining to personnel, practices and procedures.

d. Methods for the more effective use of staff and improved programs and practices through proper implementation of spcial skills, training, supervision, etc.

e. Modification and extension of services and programs, and development of new approaches to meet the changing needs of the court.

f. Coordination of the activities of the office with other court or public departments and with private agencies or groups, thus providing approved programs for the persons before the court.

g. Involvement in broad community programs and approaches to the prevention and control of crime and delinquency.

h. Represents the judge and the court in probation related matters.

2. In conjunction with department heads, monitors the flow of work in the probation office and the proper control thereof.

3. Evaluates performance of the assistant chief probation officers as requested by the judge.

4. Keeps the judge informed on problems of the staff and, through the assistant chief probation officers, keeping the staff informed on the ideas and thinking of the judge.

5. Prepares the annual budget for the probation office for the judges approval and is responsible for documenting all probation office expenditures.

6. He should be responsible for maintaining probation office account for processing certain monies (including support, fines, costs, restitution, reparation) as ordered in the court.

7. Performs such other duties as may be assigned by the judge in accordance with the high standards of the probation service and any specialized needs of the court.

III. QUALIFICATIONS

1. Line Experience

A minimum of three (3) years full time experience in Human or Allied Services.

2. Management/Administrative Experience

A minimum of one (1) year of full time management/administrative experience.

NOTE: Thirty (30) hours of management training approved by the Commissioner of Probation may be substituted for the above management/administrative experience.

3. Education

A graduate degree in the behavioral sciences, education, administration, law or criminal justice.

NOTE: A total of three (3) years of full time experience as a probation officer in Massachusetts Probation Service may be substituted for the combination of line experince and education requirements as described above.

Established and Promulgated by the Chief Administrative Justice on February 12, 1979 Retroactive to July 1, 1978.

JOB DESCRIPTION
ASSISTANT SUPERVISOR OF COURT PROBATION SERVICES

MASSACHUSETTS PROBATION DEPARTMENT

I. NATURE OF WORK

The ASSISTANT SUPERVISOR OF COURT PROBATION SERVICES assists in the supervision of all probation offices throughout the Commonwealth. He works under the general supervision of the Commissioner of Probation who reviews work through reports and conferences for conformance with policy. He supervises a number of probation employees and other personnel engaged in the performance of their duties.

II. EXAMPLES OF DUTIES AND RESPONSIBILITIES

1. Assists in establishing policies and procedures for the Massachusetts Probation Service.

2. Conducts on-site evaluations of local probation departments.

3. Provides technical assistance to local probation departments in areas such as training, staff development and volunteer programs.

4. Administers personnel programs including determination of eligibility in accord with prescribed standards of persons for appointment as probation officers.

5. Assists in the establishment of criteria for and implementation of performance evaluations of probation personnel.

6. Performs administrative function with respect to all probation offices.

7. Represents the Commissioner as needed, on statewide multi-disciplinary boards.

III. QUALIFICATIONS

1. Line Experience

A minimum of four (4) years full time experience in Human or Allied Services.

2. Management/Administrative Experience

A minimum of two (2) years of full time management/administrative experience.

NOTE: Thirty (30) hours of management training approved by the Commissioner of Probation may be substituted for one (1) year of above management/administrative experience.

3. Education

A graduate degree in the behavioral sciences, education, administration, management, law or criminal justice.

NOTE: A total of four (4) years of full time experience as a probation officer in the Massachusetts Probation Service may be substituted for the combination of line experience and education requirements as described above.

Published and Promulgated by the Chief Administrative Justice on February 12, 1979 Retroactive to July 1, 1978.

JOB DESCRIPTION
SUPERVISOR OF COURT PROBATION SERVICES
MASSACHUSETTS PROBATION DEPARTMENT

I. NATURE OF WORK

The SUPERVISOR OF COURT PROBATION SERVICES supervises all probation offices throughout the Commonwealth. He works under thee general supervision of the Commissioner of Probation who reviews work through reports and conferences for conformance with policy. He supervises a number of probation employees and other personnel engaged in the performance of thheir duties.

II. EXAMPLES OF DUTIES AND RESPONSIBILITIES

1. Assists in establishing policies and procedures for the Massachusetts Probation Service.

2. Conducts on-site evaluations to local probation departments.

3. Provides technical assistance to local probation departments in areas such as training, staff development and volunteer programs.

4. Administers personnel programs including determination of eligibility in accord with prescribed standards of persons for appointment as probation officers.

5. Assists in the establishment of criteria for and implementation of performance evaluations of probation personnel.

6. Performs administrative function with respect to all probation offices.

7. Represents the Commissioner as needed, on statewide multi-disciplinary boards.

III. QUALIFICATIONS

1. Line Experience

A minimum of five (5) years full time experience in Human or Allied Services.

2. Management/Administrative Experience

A minimum of two (2) years of full time management/administrative experience.

NOTE: Thirty (30) hours of management trainiG approved by the Commissioner of Probation may be substituted for one (1) year of above management/administrative experience.

3. Education

A graduate degree in the behavioral sciences, education, administration, management, law or criminal justice.

NOTE A total of five (5) years of full time experience as a probation officer in the Massachusetts Probation Service may be substituted for the combination of line experience and education requirements as described above.

Published and Promulgated by the Chief Administrative Justice on February 12, 1979 Retroactive to July 1, 1978.

MASSACHUSETTS PROBATION SERVICE
Job Description and Qualifications
PROBATION OFFICER
PROBATE AND FAMILY COURT DEPARTMENT

I. NATURE OF WORK

The PROBATION OFFICER - PROBATE AND FAMILY COURT DEPARTMENT, upon order of the court, gathers certain facts and information concerning an individual, place or circumstance, reporting his findings to the court; upon court referral meets with litigants, attorneys and others to obtain information and to develop an agreement for the court's consideration in a matter under litigation or to develop a recommendation to the court by the probation officer of the Probate Court; upon court referral deals with other specified matters involving litigants or some aspect of the litigation; monitors and collects money from certain parties as ordered by the court; within areas approved by the court renders assistance and referral service to persons with problems in the support, visitation, custody or like areas; recommends or initiates contempt proceedings in cases of apparent violation of a court order or judgment; performs such other duties as the court instructs.

II. EXAMPLES OF DUTIES AND RESPONSIBILITIES

1. Administrative

a. As assigned, performs such other duties as the court may direct.

b. Plans, activities, conferences and field visits in connection with investigation, mediation and support functions ordered by the court.

c. Prepares and submits monthly statistical and performance reports on status of individual cases handled.

2A. Casework and Counseling

a. Under policies established by the court, deals with referrals to the Probate Court probation officer other than from the court, rendering to a person such assistance as

information, counsel or reference to another person or agency.

b. Counsels and refers, as appropriate, litigants or parties to public and private community agencies offering specialized services that are required for a particular individual's needs.

2B. Mediation

a. When requested by the court, conducts a mediation process involving litigants, their attorneys and, on occasion, others, attempting resolution of certain issues in the case so that there is an agreement, settlement or at least recommendations that can be presented to the court for approval.

3. Enforcement of Support

a. As directed by the court, investigates and ascertains that payments of money have been made as ordered or adjudged in divorce, legal separation and other probate actions; and, where there are dependent children, that same be applied for the support maintenance, education and betterment of such children; and that such dependent children are receiving proper maintenance and education.

b. Collects, transmits and monitors funds sent to the Probate Court probation officer under payment orders or judgements of the court.

c. Exercises power to do each and everything necessary, including initiating contempt proceedings, to collect delinquent payments due any person under order or judgement of the court.

4. Investigations

a. As authorized by the court, conducts investigations and prepares appropriate reports, including recommendations when requested, in areas pertinent to case before the court.

b. Records facts in investigation and mediation matters referred by the court and may be called on to testify in court regarding such facts.

c. As requested by the court, ascertains the moral and general conditions surrounding dependent minor children in cases before the court involving such children.

d. Exercises power to make recommendations to the court for the betterment of the conditions of dependent minor children in cases before the court involving such children.

5. Public Relations

a. Represents the court in many phases of meeting the public in accordance with court policies.

b. Performs various public relations activities, such as addressing community groups, participating in conferences, panels, etc., of other agencies and has a role in the social planning of the community.

6. Assignments

a. As assigned, performs such other duties as may be directed by the judge in accordance with the high standards of the probation service and any specialized needs of the court.

b. Is subject to assignments by the Chief Administrative Justice among the various Departments and Divisions of the Trial Court.

III. QUALIFICATIONS

1. Line Experience

A minimum of one (1) year full time experience in Human or Allied Services.

NOTE: A graduate degree in the behavioral sciences, education, administration, management, law, or criminal justice may be substituted for the above experience qualification, provided, however, a graduate degree may only be substituted for the above experience qualification when the candidate also possesses a bachelor's degree in accordance with the education qualification as described below.

2. Education

A bachelor's or graduate degree from an accredited college or university.

IV. PRESENT TEMPORARY APPOINTMENT

The provisions contained in the preceding III-1 shall not operate to disqualify any person serving as a temporary probation officer at the time of promulgation of this standard, provided he/she is not serving his/her initial ninety (90) day temporary appointment and providing further he/she is otherwise qualified.

Established and Promulgated by the Chief Administrative Justice on February 12, 1979 retroactive to July 1, 1978.

INVESTIGATIONS

Standards and Forms for Investigations for the Probation Offices and of the Superior Court Department

The Commonwealth of Massachusetts
Office of Commissioner of Probation
211 New Court House, Boston 02108

JOSEPH P. FOLEY
COMMISSIONER

STANDARDS AND FORMS FOR INVESTIGATIONS FOR THE PROBATION OFFICES OF THE SUPERIOR COURT DEPARTMENT

Pursuant to General Laws, Chapter 276, Section 99 as amended by Chapter 478, Section 294 of the Acts and Resolves of 1978, the following standards and forms are hereby established by the Commissioner of Probation and approved by the Chief Administrative Justice of the Trial Court, effective January 2, 1980.

(s) Joseph P. Foley

December, 14, 1979 — Commissioner of Probation

FOREWORD

Recognition and appreciation are given to the members of the Superior Court Department Judicial/Probation Task Force Project, which was developed in 1978 by the Office of the Commissioner of Probation to examine probation reports and develop guidelines for their use. The justices and probation officers on this Task Force worked together for a year under the direction of the Crime and Justice Foundation to develop the concepts underlying the purpose, preparation, and content of probation reports, as well as the forms, format, and standards for Superior Court Department investigations. The recommendations of the Task Force were filed in a June 1979 report to this Office and are incorporated in these standards.

Of special significance is the adoption of the Task Force recommendation that the traditional pre-trial report be replaced by a pre-sentence report which allows the probation officer to gather information that is more current and relevant to the needs of the sentencing judge. This practice falls in line with the recommendations of the American Correctional Association and the American Bar Association that probation investigations be conducted pre-sentence rather than pre-trial.

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INVESTIGATION STANDARDS
FOR THE PROBATION OFFICES OF THE
SUPERIOR COURT DEPARTMENT

The goal of these investigation standards is to provide for pertinent, efficient and uniform investigation substance and procedure for the probation offices within the Superior Court Department.

I. PURPOSE OF THE INVESTIGATION REPORTS

Probation investigation reports are prepared:

To assist the judge in making a determination in a matter, generally criminal, before the court.

To assist the probation officer in assessing the needs of those offenders who are placed under probation supervision.

II. TYPES OF REPORTS

There are three probation investigation reports. Although the pre-trial intake report is required in all cases, the preparation of the pre-sentence and post-disposition investigation reports is dependent upon the information needs of both the court and the probation officer:

Pre-trial Intake Report	The pre-trial intake report provides the court with readily available information that may be used at any stage of the criminal proceedings. This report is mandatory for all cases and is usually prepared prior to the defendant's initial court appearance.
Pre-sentence Investigation Report	The pre-sentence investigation report provides the court with more extensive data to assist in making a disposition. This report is prepared only at the request of the judge and following the determination of guilt.

Post-disposition Investigation Report	The post-disposition investigation report provides the probation officer with additional information necessary to complete the Risk/Need assessment as described in the Risk/Need Classification of Probation Clients (R/N-5/79). It is conducted in those cases in which a defendant is placed under the supervision of a probation officer and there is not information sufficient to complete the Risk/Need assessment and action plan.

III. STANDARDS FOR PROBATION REPORTS

1. The probation officer shall explain the purpose of all investigation reports to the defendant and shall explain the officer's role in the process.

2. A pre-trial intake report (SUP-1) shall be prepared prior to trial for all criminal defendants before the court.

3. The contents of the pre-trial intake report shall include readily available information as to the defendant's residence, family and marital status, employment and/or education record for the last year, the court record, and, if there be a question of indigency, current finances and financial resources. The pre-trial intake report may satisfy the sentencing need of the judge and therefore the requirement of a pre-sentence investigation report.

4. Where additional information is required by the judge, a pre-sentence investigation report shall be conducted after a guilty plea, a verdict or a finding of guilt, or when appropriate, a finding of sufficient facts.

5. The pre-sentence investigation report is to provide the court with more extensive data. The probation officer shall confer with the judge to determine the areas of the additional information to be sought in the pre-sentence investigation report.

6. Following the conference of the judge and the probation officer, the case will undoubtedly be continued for a period of time during which the pre-sentence investigation is conducted and this report prepared. Generally this period does not exceed two weeks.

7. When scheduling a sentencing hearing in which the judge desires the presence of the probation officer(s) completing the pre-sentence investigation report, notice should be given to the chief probation officer to assure the presence of the appropriate probation personnel at the hearing, and such personnel shall attend the sentencing hearing.

8. In addition to the pre-trial investigation data and the areas of information requested by the judge, the pre-sentence investigation report shall include: the district attorney's investigative report, where available; the defendant's version of the offense(s) if (s)he is willing to furnish it; an analysis of the defendant's criminal history; a summary with an interpretation of the factual data included in the report; and the probation officer's recommendation as to the suitability of probation.

9. If requested by the judge, the pre-sentence investigation report shall include the probation officer's recommendation concerning any special conditions of probation, and, where applicable, the offender's suitability for alternative dispositions.

10. If, in the course of the pre-sentence investigation, the probation officer discovers a physical or mental condition which in the probation officer's opinion requires professional evaluation, (s)he should recommend to the court that the defendant be referred to an appropriate resource.

11. Upon completion, the pre-sentence investigation report shall be subject to review by the assistant chief probation officer or the chief probation officer.

12. The pre-sentence investigation report shall be available to the judge prior to the designated date of disposition. There shall be prior availability for inspection of the pre-sentence investigation report by the prosecutor and counsel for the defendant, subject to the provision of Rule 12(e) and Rule 28 (d) (3) of the Massachusetts Rules of Criminal Procedure.

13. If a defendant is placed under probation officer supervision, a post-disposition investigation report shall be completed within 30 days after disposition in those cases in which there is not information sufficient to complete the Risk/Need assessment and action plan.

STANDARDS COMMENTARY

Since the purpose of the pre-trial intake report is to assist the judge in making a determination in the matter before the court, generally this should be prepared prior to the initial court appearance for all defendants. It is to be noted that there is similarity in content between the pre-trial intake report and the traditional Superior Court Department indigency form. Also note that at the pre-trial stage, the probation officer should refrain from asking the defendant about the alleged offense(s).

With respect to the contents of the pre-sentence investigation report as described in standard No. 5, a productive conference between the judge and probation officer assigned to the case would identify specific areas in which the judge requires additional information. (See Appendix A, the pre-trial intake report addendum.) This conference should take place as soon as it is convenient after the trial.

IV. REPORT RESPONSIBILITY

DEFINITIONS:

Sentencing County	—	The county in which the defendant is charged with a crime.
Residency County	—	The county in which the defendant resides at the time of his/her appearance before the court.

The Superior Court Department chief probation officer in the sentencing county shall be responsible for the preparation of the pre-trial intake report.

The Superior Court Department chief probation officer in the sentencing county shall be responsible for the investigation and for the preparation of the pre-sentence investigation report. However, in those instances in which a particular area of investigation lies within another county, the chief probation officer of the sentencing county may request assistance from the chief probation officer of the residency county.

The Superior Court Department chief probation officer in the residency county shall be responsible for the post-disposition investigation report whenever supervision of the defendant is transferred to the residency county.

COMMONWEALTH OF MASSACHUSETTS

PRETRIAL INTAKE/INDIGENCY REPORT

_____ (date)

Division _____ Docket No.(s) _____

Department _____ _____

_____

INTAKE DATA

Name _____ Martial Status S____ M____ W____ Sep.____ Div. ____

Address _____ # of Dependents____ Spouse (Maiden) _____
(Street)

_____ With Whom Do You Reside _____
(City) (State) (Zip)

Other Residence(s) Past Year _____

Tel. No. _____ _____

DOB ___/___/___ POB _____ Father _____ Mother(Maiden) _____

Ethnicity White ☐ Black ☐ Hispanic ☐ Asian/Pacific Islander ☐ Cape Verdean ☐ American Indian ☐

Ht.____ Wt. ____ Hair _____ Eyes _____ Sex M _____ F _____ S.S. No. _____

U.S. Citizen Y____ N____ I.D. Verified: Y____ N ____ Method _____

Employed by _____ Occupation _____ Since _____

Address _____ Employment during past year _____

_____

Prior Court Appearances Y ____ N _____ MASS Y____ N____ Other States _____
(Specify)

Probation/Parole (P/P) Status _____ Name/Tel# of P/P Supervisor _____

INDIGENCY REPORT
TO BE COMPLETED IF APPOINTMENT OF COUNSEL REQUESTED

I.

a. ____ Party is indigent because receives public assistance in form of:

____ AFDC Poverty Related ____ Food Stamps ____ Medicaid Refugee Resettlement
____ EAEDC ____ Veterans' Benefits ____ SSI ____ Benefits

VERIFIED _____

b. ____ Party is indigent because he/she is a patient in a public/private mental health facility and has no available funds. VERIFIED _____

c. ____ Party is indigent because is serving a sentence or is in custody in a jail or correctional institution and has no available funds. VERIFIED _____

d. ____ Party is indigent because annual income, after taxes, is 125% or less of the current poverty threshold referred to in G.L.c. 261, s.27A (b). VERIFIED _____

IF ANY OF ABOVE CATEGORIES APPLY, STOP. COMPLETE SECTIONS V AND VII ONLY. SUBMIT REPORT TO COURT. IF SECTION I IS NOT APPLICABLE, COMPLETE SECTIONS II - VII.

COMPUTATION

II. INCOME(Monthly)

a. Net salary _____
b. Interest, dividends, or other earnings _____
c. Contribution from other family member(s) _____
d. Unemployment, social security, workers' comp., pension, annuities _____
e. Income from individual with ``spouse type'' relationship _____
f. Other income _____

TOTAL INCOME $ _____

III. EXPENSES (Monthly)

g. Parties share of basic living costs, including loans, toward:
- Shelter _____
- Utilities _____
- Food _____
- Clothing _____
- Health care _____
- Transportation _____
- Education _____

TOTAL _____

h. Support for dependents _____

TOTAL EXPENSES $ _____

Subtract Total Expenses from Total Income
DISPOSABLE NET MONTHLY INCOME = $ _____ (A)

IV. LIQUID ASSETS

i. Cash, savings, bank accounts _____
j. Stocks, bonds, Certificates of Deposit (CD's) _____
k. Equity in real estate reasonably convertible to cash _____
l.. Equity in motor vehicle(s) not required for employment and reasonably convertible to cash _____

TOTAL LIQUID ASSETS $_____ (B)

V. I hereby affirm that the information listed above is true and accurate. By signing this document I do so under the penalties of perjury and I understand that some or all of this information is subject to verification.

_____ Signature of Party

_____ Date

VI. DETERMINATION OF INDIGENCY

(A) Disposable Net Monthly Income $ _____
(B) Plus liquid Assets +$ _____
C TOTAL $ _____
D Minus bail Obligations -$ _____
E Equals Available Funds
= $ _____

SUPERIOR COURT CRIMINAL ONLY

Available funds from E _____

Minus anticipated cost of Counsel _____

Actual Available funds _____

VII. RECOMMENDATION

Indigent _____

Indigent but able to contribute $ _____ (fee)

Not Indigent _____

Under the provisions of Section 4(a) of Rule 3:10 the above constitutes my recommendation to the Court.

_____ DATE

_____ SIGNATURE OF PROBATION OFFICER OR OTHER APPROPRIATE COURT EMPLOYEE

RULES AND PROCEDURES FOR INVESTIGATIONS FOR THE PROBATION OFFICER OF THE SUPERIOR COURT DEPARTMENT

Pursuant to General Laws, Chapter 276, Section 99, as amended by Chapter 478, Section 294, of the Acts and Resolves of 1978, the following Rules and Procedures concerning investigations for probation offices in the Superior Court Department of the Trial Court, are hereby promulgated by the Commissioner of Probation, effective January 2, 1980. These Rules and Procedures shall be used for the implementation of the Standards and Forms for Investigations established for the Superior Court Department.

(s) Joseph P. Foley

December 14, 1978

Commissioner of Probation

1. PRE-TRIAL INTAKE REPORT

A. A pre-trial intake report (FORM SUP-1) shall be prepared by an assigned probation officer prior to trial for each defendant on criminal charges before the Superior Court Department.

B. The pre-trial intake report shall include readily available information concerning defendant's residence, family and marital status, employment and/or education record for the past year, the court record and, if there be a question of indigency, current finances and financial resources. It shall include the Superior Court Department docket numbers, and in cases where the defendant has waived indictment the corresponding District Court Department, Boston Municipal Court Department, or Juvenile Court Department docket numbers.

C. It is hoped that the pre-trial intake report will satisfy, in many cases, the informational needs of the judge at the time of disposition. If such report does so satisfy, it shall be deemed the pre-sentence investigation report.

2. THE PRE-SENTENCE INVESTIGATION REPORT

A. Where additional information about the defendant is required by the judge after a guilty plea, a verdict or finding of guilt, or a finding of sufficient facts, a pre-sentence investigation report shall be prepared.

B. The pre-sentence investigation report should provide the court with timely, relevant and accurate data. The probation officer shall confer with the judge for determination of the specific areas in which additional information is to be sought.

C. The informational requirements of the pre-sentence investigation report remain flexible to allow for the judge's instructions as to the areas (s)he desires addressed. The probation officer has discretion to include further information which (s)he finds necessary to formulate a recommendation as to the suitability of a particular defendant for probation.

However, inclusion of certain items shall be considered standard in all pre-sentence investigation reports.:

1. It shall include the district attorney's investigation report when available as well as the defendant's version of the current offense(s) if (s)he is willing to furnish the information.

2. The defendant's court record shall be provided along with a summary of the circumstances of the more serious offense and offenses similar to the present offense(s). Any pertinent trends in these areas should be identified.

3. It shall include a summary which is an interpretation of all the factual data included in the pre-sentence investigation report and the probation officer's recommendation as to the defendant's suitability for probation. A recommendation for probation should include a supervision plan.

D. Upon completion, the pre-sentence investigation report, including the pre-trial intake report, shall be subject to review by the assistant chief probation officer or the chief probation officer.

E. The pre-sentence report shall be available to the judge at least two (2) days prior to the date set for disposition.

F. Unless otherwise ordered by the court, the pre-sentence report should be made available to the defense attorney and prosecutor two (2) days prior to the date set for disposition, but subject to the provisions of Rule 12 (e) and Rule 28 (d) (3) of the Massachusetts Rules of Criminal Procedure.

G. If requested by the judge, the report shall include a recommendation for those offenders deemed suitable for alternative disposition including: placement with an appropriate community social service agency, residential or non-residential; special conditions of probation addressing restitution; or special requirements as to community service or community protection.

3. THE DISPOSITION HEARING

A. If further information is requested by the judge then, following the conference of the judge and the probation officer, the case will ordinarily be continued for a period of time, generally not more than two weeks, during which period the pre-sentence investigation is conducted and the report prepared.

B. The probation officer or officers involved in the investigation of the defendant shall be present at the disposition hearing when required by the judge. Requests should be made of the judge that consideration be given to the schedules of appropriate probation personnel. Such requests are more important when the investigation, or significant portions thereof, has been done by a probation officer of another county and the judge desires his/her presence at the disposition hearing.

4. THE POST-DISPOSITION INVESTIGATION REPORT

A. If a defendant has been placed under probation officer supervision without the preparation of an investigation report sufficient to complete a Risk/Need assessment and action plan for classification of the case, a post-disposition investigation shall be completed within thirty (30) days after disposition.

5. REPORT RESPONSIBILITY

A. The Superior Court Department chief probation officer of the county in which the defendant is to be arraigned shall assign one of his/her probation officers to prepare the pre-trial intake report.

B. The Superior Court Department chief probation officer of the county in which the defendant is charged shall be responsible for the preparation of the pre-sentence investigation report. However, if a particular area of investigation lies within another county and more than 20 miles from the nearest boundary of the county in which the defendant is charged, or if the defendant resides in a county other than that in which (s)he is charged, then the completion of certain portions of the report may require the assistance of the probation staff of the county in which the areas of investigation lie or the defendant resides, and the chief probation officer of that county shall provide the assistance required to complete the report.

C. The Superior Court Department chief probation officer of the county in which the defendant resides shall be responsible for the preparation of the post-disposition investigation report whenever supervision of the case is transferred to the county in which the defendant resides.

Standards and Forms for Investigation for the Probation Offices of the District Court Department and the Boston Municipal Court Department

JOSEPH P. FOLEY
COMMISSIONER

The Commonwealth of Massachusetts

Office of Commissioner of Probation

211 New Court House, Boston 02108

STANDARDS AND FORMS FOR INVESTIGATIONS FOR THE PROBATION OFFICES OF THE DISTRICT COURT DEPARTMENT AND THE BOSTON MUNICIPAL COURT DEPARTMENT

Pursuant to General Laws, Chapter 276, Section 99 as amended by Section 294 of Chapter 478 of the Acts of 1978, the following standards and forms are hereby established by the Commissioner of Probation and approved by the Chief Administrative Justice of the Trial Court, effective September 2, 1980.

(s) Joseph P. Foley

June 13, 1980

Commissioner of Probation

FOREWORD

Recognition and appreciation are given to the members of the District Court Department and Boston Municipal Court Department Judicial/Probation Task Force Project, which was developed in 1978 by the Office of the Commissioner of Probation to examine probation reports and make recommendations for their use. The justices and probation officers on this Task Force worked together for one year to develop an understanding of the role of probation in matters relating to disposition of cases before the Court, and to organize an investigation format that would satisfy the informational needs of both the judge and the probation officer. Their recommendations, which were filed in a report submitted to this Office in July, 1979, are incorporated in the standards and the prescribed forms that are to be used by the probation officers.

PUBLICATION OF THIS DOCUMENT APPROVED BY ALFRED C. HOLLAND, STATE PURCHASING AGENT.

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INVESTIGATION STANDARDS FOR THE PROBATION OFFICES OF THE DISTRICT COURT DEPARTMENT AND THE BOSTON MUNICIPAL COURT DEPARTMENT

The goal of these investigation standards is to provide for pertinent, effective and uniform investigation substance and procedures for the probation offices within the District Court Department and the Boston Municipal Court Department of the Trial Court.

I. PURPOSE OF THE REPORTS

Probation investigation reports are prepared:

To assist the judge in making a determination in a matter, generally criminal, before the court.

To assist the probation officer in assessing the needs of those offenders who are placed under probation officer supervision.

II. TYPES OF REPORTS

There are three probation investigation reports to be used depending on the informational needs of both the court and the probation officer:

Pre-trial Intake Report	The pre-trial intake report provides the court with readily available information that may be used at any stage of the criminal proceeding. This report is mandatory and is usually prepared prior to the defendant's initial court appearance.
Pre-sentence Investigation Report	The pre-sentence investigation report provides the court with more extensive data to assist in making disposition. This report is prepared at the request of the judge and following the determination of guilt or sufficiency of facts.

Post-disposition Investigation Report	The post-disposition investigation report provides the probation officer with information necessary to complete a Risk/Need classification of probation clients (R/N-5/79). It is conducted in those cases in which a defendant is placed under the supervision of a probation officer and information sufficient to complete a Risk/Need assessment and action plan needs to be obtained.

III. STANDARDS FOR PROBATION REPORTS

1. The probation officer shall explain the purpose of the pre-trial intake report and where indicated the pre-sentence investigation report and the post-disposition investigation report. (S)he shall explain the officer's role in the investigation process.

2. A pre-trial intake report (D.C./B.M.C.-INV-1) shall be prepared by the probation officer prior to trial or probable cause hearing for all defendants appearing before the court on criminal charges.

3. The pre-trial intake report shall include readily available information consisting of identifying data, the defendant's residence, family, marital and employment status, the criminal record, and, if there be question of indigency, current finances and financial resources. Problem areas (physical, emotional, substance abuse, etc.) volunteered by the defendant, family, or other sources shall be noted in the pre-trial intake report. The pre-trial intake report may satisfy, in most instances, the dispositional/sentencing need of the judge.

4. Where more extensive information is required by the judge after a determination of guilt or finding of sufficiency of facts, a pre-sentence investigation report (D.C./B.M.C.-INV-2-3-4) shall be prepared by the probation officer.

5. The pre-sentence investigation report is to provide the court with more extensive data. The probation officer shall confer with the judge to define the areas of such additional information required, and to establish a continuance date which would allow a reasonable amount of time to prepare the report. Generally the report should be completed within a 2-week period.

6. When scheduling a dispositional hearing in which the judge desires the presence of the probation officer, who has completed the pre-sentence investigation report, notice should be given to the chief probation officer to assure the presence of the appropriate probation personnel at the hearing and such personnel shall attend, whenever possible, the dispositional hearing.

7. In addition to the pre-trial intake report data and the areas of additional information required by the judge in order to dispose of the case, the pre-sentence investigation report shall include a summary that is an interpretation of the factual data included in the report and the probation officer's

recommendation as to the defendant's suitability for probation. Additionally the pre-sentence investigation report shall include, unless excused by the judge, the prosecutor's investigation report, where available; the defendant's version of the charge(s) if (s)he is willing to furnish the information and counsel, if there be one, agrees; and an analysis of the defendant's criminal history.

8. The pre-sentence investigation report shall include the probation officer's recommendation concerning any special conditions of probation that appear warranted, if the defendant is to be placed on probation and, where applicable, the defendant's suitability for alternative dispositions.

9. If, in the course of the pre-sentence investigation report, the probation officer becomes aware that a physical or mental condition may exist which, in the probation officer's opinion, requires professional evaluation, (s)he should recommend to the court that the defendant be referred to an appropriate resource.

10. Upon completion, the pre-sentence investigation report shall be subject to review by the assistant chief probation officer or the chief probation officer.

11. The pre-sentence investigation report shall be available to the judge prior to the designated date of disposition. There shall be prior availability for inspection of the pre-sentence investigation report by the prosecutor and counsel for the defendant, subject to the provisions of Rule 12(e) and Rule 28(d) (3) of the Massachusetts Rules of Criminal Procedure.

12. If the defendant is placed under probation officer supervision, a post-disposition investigation report shall be completed by the supervising probation officer within 30 days after disposition in those cases in which information to complete the Risk/Need assessment and action plan needs to be obtained.

STANDARDS COMMENTARY

In standard No. 1 the general role of the probation officer in the investigation process is to gather information, to evaluate it, and to incorporate it into a recommendation to the court and/or a Risk/Need assessment and action plan. In doing so the officer should respect the constitutional rights of the defendant, including but not limited to the right to have counsel present and the right against self-incrimination. The probation officer should recognize his/her primary relationship is to the court rather than to the prosecution or the defense; therefore, the probation officer should avoid being unduly influenced by either party.

Since the purpose of the pre-trial intake report, as described in standard No. 2, is to assist the judge in making a determination in the matter before the court, it generally should be prepared prior to the initial court appearance. This report information shall be gathered by the probation officer or a trained probation aide. The nature of the inquiry and the defendant's own questions about the purpose for which the information is being sought demand the knowledge and stature of a probation officer or a trained probation aide. At the pre-trial stage, the probation officer should refrain from asking the defendant about the alleged offense(s).

Authority for indigency assessment by the probation officer in standard No. 3 is found in G.L. Ch. 221, S. 34d.

In standard No. 4 there is nothing to preclude the preparation of a pre-sentence investigation report prior to a determination of guilt. This can be done when (1) the defendant consents to such action and his/her counsel if there be one agrees, and (2) adequate precautions are taken to ensure that nothing disclosed by the pre-sentence investigation report comes to the attention of the court or prosecutor prior to a determination of guilt or sufficiency of facts.

In all investigative reports, consideration must be given to the reliability of the report data. Rational and consistent dispositional/sentencing decisions and case management decisions depend in great measure upon the accuracy and reliability of the information that is contained in the report preparation.

COMMONWEALTH OF MASSACHUSETTS

PRETRIAL INTAKE/INDIGENCY REPORT

_____ (date)

Division _____ Docket No.(s) _____

Department _____ _____

_____

INTAKE DATA

Name _____ Martial Status S____ M___ W___ Sep.___ Div. ____

Address _____ # of Dependents____ Spouse (Maiden) _____
(Street)

_____ With Whom Do You Reside _____
(City) (State) (Zip)

Other Residence(s) Past Year _____

Tel. No. _____ _____

DOB ___/___/___ POB _____ Father _____ Mother(Maiden) _____

Ethnicity White ☐ Black ☐ Hispanic ☐ Asian/Pacific Islander ☐ Cape Verdean ☐ American Indian ☐

Ht.____ Wt. ____ Hair _____ Eyes _____ Sex M_____ F _____ S.S. No. _____

U.S. Citizen Y____ N_____ I.D. Verified: Y____ N ____ Method _____

Employed by _____ Occupation _____ Since _____

Address _____ Employment during past year _____

_____

Prior Court Appearances Y____ N _____ MASS Y____ N_____ Other States _____
(Specify)

Probation/Parole (P/P) Status _____ Name/Tel# of P/P Supervisor _____

INDIGENCY REPORT
TO BE COMPLETED IF APPOINTMENT OF COUNSEL REQUESTED

I.

a. ____ Party is indigent because receives public assistance in form of:

____ AFDC Poverty Related ____ Food Stamps ____ Medicaid Refugee Resettlement
____ EAEDC _____ Veterans' Benefits ____ SSI ____ Benefits

VERIFIED _____

b. ____ Party is indigent because he/she is a patient in a public/private mental health facility and has no available funds. VERIFIED _____

c. ____ Party is indigent because is serving a sentence or is in custody in a jail or correctional institution and has no available funds. VERIFIED _____

d. ____ Party is indigent because annual income, after taxes, is 125% or less of the current poverty threshold referred to in G.L.c. 261, s.27A (b). VERIFIED _____

IF ANY OF ABOVE CATEGORIES APPLY, STOP. COMPLETE SECTIONS V AND VII ONLY. SUBMIT REPORT TO COURT. IF SECTION I IS NOT APPLICABLE, COMPLETE SECTIONS II - VII.

COMPUTATION

II. INCOME(Monthly)

a. Net salary _____
b. Interest, dividends, or other earnings _____
c. Contribution from other family member(s) _____
d. Unemployment, social security, workers' comp., pension, annuities _____
e. Income from individual with ``spouse type'' relationship _____
f. Other income _____

TOTAL INCOME $ _____

III. EXPENSES (Monthly)

g. Parties share of basic living costs, including loans, toward:
- Shelter _____
- Utilities _____
- Food _____
- Clothing _____
- Health care _____
- Transportation _____
- Education _____

TOTAL _____

h. Support for dependents _____

TOTAL EXPENSES $ _____

Subtract Total Expenses from Total Income
DISPOSABLE NET MONTHLY INCOME = $ _____ **(A)**

IV. LIQUID ASSETS

i. Cash, savings, bank accounts _____
j. Stocks, bonds, Certificates of Deposit (CD's) _____
k. Equity in real estate reasonably convertible to cash _____
l.. Equity in motor vehicle(s) not required for employment and reasonably convertible to cash _____

TOTAL LIQUID ASSETS $ _____ **(B)**

V. I hereby affirm that the information listed above is true and accurate. By signing this document I do so under the penalties of perjury and I understand that some or all of this information is subject to verification.

_____ Signature of Party

_____ Date

VI. DETERMINATION OF INDIGENCY

(A) Disposable Net Monthly Income $ _____
(B) Plus liquid Assets +$ _____
C TOTAL $ _____
D Minus bail Obligations - $ _____
E Equals Available Funds
= $ _____

SUPERIOR COURT CRIMINAL ONLY

Available funds from E _____

Minus anticipated cost of Counsel _____

Actual Available funds _____

VII. RECOMMENDATION

Indigent _____ (fee)

Indigent but able to contribute $ _____

Not Indigent _____

Under the provisions of Section 4(a) of Rule 3:10 the above constitutes my recommendation to the Court.

_____ DATE

_____ SIGNATURE OF PROBATION OFFICER OR OTHER APPROPRIATE COURT EMPLOYEE

PRE-SENTENCE INVESTIGATION REPORT

Name _____ Division _____

D.O.B. _____ Department _____

Date _____ Complaint(s) & Docket No(s).:

_____

_____

_____

FORMAT: The format for the pre-sentence investigation report as described in the standards, rules and procedures for investigations is as follows:

A. Category headings to be included in all pre-sentence investigation reports:

- SUMMARY
- RECOMMENDATIONS OF THE PROBATION OFFICER

B. Category headings to be included unless excused by the judge: (Note if excused)

- PROSECUTOR'S REPORT
- DEFENDANT'S VERSION
- CRIMINAL HISTORY ANALYSIS

C. Informational category headings to be requested by the judge and to be checked below:

- ☐ FAMILY/MARITAL BACKGROUND AND HOME LIFE
- ☐ HEALTH/COUNSELING
- ☐ EDUCATIONAL/CURRENT AND PAST EMPLOYMENT
- ☐ LIVING ARRANGEMENTS
- ☐ SOCIAL ADJUSTMENT
- ☐ FINANCIAL MANAGEMENT
- ☐ SUBSTANCE (ALCOHOL, DRUGS) USE AND ABUSE
- ☐ FULL REPORT TO INCLUDE ALL OF THE ABOVE
- ☐ OTHER INFORMATION (specify) _____

REPORT:

PRE-SENTENCE INVESTIGATION REPORT

Name _____ (ADDITIONAL SHEET) Page ____ of ____

Date _____

PRE-SENTENCE INVESTIGATION SUMMARY AND RECOMMENDATIONS

SUMMARY:

PROBATION OFFICER'S RECOMMENDATIONS:

Reason for Recommendations:

Specific probation plan suggested (include alternative dispositions, if appropriate):

Probation Officer's Signature: _____ Date: _____

Pursuant to General Laws, Chapter 276, Section 99, as amended by Chapter 478, Section 294 of the Acts and Resolves of 1978, the following Rules and Procedures concerning investigations in the District Court and Boston Municipal Court Departments of the Trial Court, approved by the Chief Administrative Justice, are hereby promulgated by the Commission of Probation, effective *September 2, 1980*. These Rules and Procedures shall be used for the implementation of the Standards and Forms for Investigations established for the District Court and Boston Municipal Court Departments of the Trial Court.

(s) Joseph P. Foley

Commissioner of Probation

1. PRE-TRIAL INTAKE REPORT

A. A pre-trial intake report (D.C./B.M.C.-INV-1) shall be prepared by an assigned probation officer prior to trial for each criminal offender before the District Court Department and the Boston Municipal Court Department.

B. The pre-trial intake report shall include readily available information including identifying data, the defendant's residence, family and marital status, employment record for the past year, the court record and, if there be a question of indigency, current finances and financial resources. It shall include the pertinent District Court Department or Boston Municipal Court Department docket numbers.

C. It is hoped that the pre-trial intake report will satisfy, in most cases, the informational needs of the judge at the time of disposition. If such report does so satisfy, it shall be deemed the pre-sentence investigation report.

2. THE PRE-SENTENCE INVESTIGATION REPORT

A. When additional information about the defendant is required by the judge after a guilty plea, a finding or verdict of guilty, or a finding of sufficient facts, a pre-sentence investigation report shall be prepared by an assigned probation officer.

B. The pre-sentence investigation report should provide the court with timely, relevant and accurate information. The probation officer shall confer with the judge for determination of the specific areas in which additional information is required, and for determination of a reasonable continuance period. Generally, the report should be prepared and completed within a 2-week period.

C. The informational requirements of the pre-sentence investigation report remain flexible primarily to allow for the judge's instructions as to the areas (s)he desires addressed. In addition the probation officer has discretion to include further information which (s)he finds necessary to make a recommendation as to suitability of a particular defendant for probation. However, inclusion of certain items are considered standard in all pre-sentence reports unless exclusion is approved by the judge:

1. The report shall include the prosecutor's report, when available, as well as the defendant's version of the current charge(s) when (s)he is willing to furnish that information.

2. The defendant's court record shall be provided along with a discussion of the circumstances concerning the more serious offenses and those similar to the present charge(s), plus an identification of any pertinent trends.

3. The report shall include an interpretive summary of the information that the probation officer believes is likely to impact the dispositional decision of the judge and that the probation officer has used to make his (her) recommendations to the court as to the defendant's suitability for probation. Where probation is recommended, a supervision plan shall be included.

4. The report shall include, where appropriate, a recommendation for offenders deemed suitable for alternative disposition. Such recommendations may include, but need not be limited to, the following alternatives: placement with an appropriate community social service agency, residential or non-residential; special conditions of probation addressing restitution; or special requirements as to community service or community protection.

D. The pre-sentence investigation report shall be prepared in narrative style, using the pre-sentence investigation report form D.C./B.M.C.-INV-2, 3, 4.

E. Upon completion, the pre-sentence report, including the pre-trial intake report, shall be subject to review by the assistant chief probation officer or the chief probation officer.

F. The pre-sentence report shall be available to the judge at least two (2) days prior to the date set for disposition.

G. Unless otherwise ordered by the court, the pre-sentence report shall be available to the defense attorney and the prosecutor two (2) days prior to the date set for diposition, but subject to the provisions of Rule 12(e) and Rule 28(d)(3) of the Massachusetts Rules of Criminal Procedure.

3. THE DISPOSITION HEARING

A. If further information is requested by the judge, following the conference between the judge and the probation officer, the case should ordinarily be continued for a reasonable period of time, generally not more than two weeks, during which period the pre-sentence investigation shall be conducted and the pre-sentence investigation report is completed.

B. The probation officer or officers involved in the pre-sentence investigation should be present at the disposition hearing when required by the judge. Requests should be made of the judge that consideration be given to the schedules of appropriate probation personnel.

4. THE POST-DISPOSITION INVESTIGATION REPORT

When a defendant is placed under probation officer supervision without an investigation report sufficient to conduct a Risk/Need assessment and prepare an action plan, a post-disposition investigation report shall be completed within thirty (30) days after disposition.

5. REPORT RESPONSIBILITY

A. Preparation of the reports.

DEFINITIONS:

Sentencing Division — The division in which the defendant is tried for the offense(s).

Residency Division — The division in which the defendant resides at the time of his appearance before the court.

The chief probation officer in the sentencing division of the District Court Department or the Boston Municipal Court Department shall be responsible for the preparation of the pre-trial intake report.

The chief probation officer in the sentencing division of the District Court Department or Boston Municipal Court Department shall be responsible for the total compilation of the pre-sentence investigation report and generally for the total preparation of the report. However, in those instances in which a particular area of investigation lies within another division, the chief probation officer of the sentencing division may request assistance from the chief probation officer of such other division and the chief probation officer of that division should provide the assistance that is requested.

The District Court Department or Boston Municipal Court Department chief probation officer in the residency division shall be responsible for the post-disposition report, if neccessary, whenever supervision of the defendant is transferred to the residency division.

B. Distribution of the Reports

There shall be transmittal of investigative information and reports among the probation offices of all Departments and Divisions of the Trial Court when the investigative information concerning a particular defendant is needed by another Department or Divison for use: (1) by the judge in proceedings before the Court and/or (2) by the probation officers in the case classification and case management decisions concerning the defendant.

Pursuant to the Juries and Six Court Procedures for Probation Offices, promulgated by the Commissioner of Probation 12/13/78, there shall be transmittal of all investigative information and reports from the primary court to the juries of six court when a case is transferred for trial and from the juries of six court to the primary court when a case is transferred for supervision.

6. RELIABILITY OF INVESTIGATIVE INFORMATION

Information that is likely to influence (1) the judge's disposition/sentencing, (2) the probation officer's recommendations to the court, and (3) the probation officer's Risk/Need classification of client should be highly reliable. Therefore in preparing such investigation material and to assure a greater degree of reliability, probation officers should take the following steps:

1. The probation officer should identify the sources of information in the report.

2. The probation officer should make personal contact with informants or sources of information, when practicable, who can substantiate information. The probation officer should clearly state in the report those instances in which information has been substantiated.

3. The probation officer should obtain pertinent documentation such as letters, clinical reports, school reports, certified statements, etc., when practicable. The probation officer should indicate when information in the report is supported by such documentation.

4. Sources of information should be identified in most instances; however, this does not exclude from a report relevant information from unnamed sources or informants with whom the probation officer has had personal contact. If a probation officer includes such information in an investigative report (s)he shall clearly indicate in the report that the information was obtained from sources or informants not being identified in this report.

Standards and Forms for Investigation for Probation Offices of the Juvenile Court Department, Juvenile Probation District Offices and Juvenile Sections of the District Court Department

JOSEPH P. FOLEY
COMMISSIONER

The Commonwealth of Massachusetts

Office of Commissioner of Probation
211 New Court House, Boston 02108

STANDARDS AND FORMS FOR INVESTIGATIONS FOR PROBATION OFFICES OF THE JUVENILE COURT DEPARTMENT, JUVENILE PROBATION DISTRICT OFFICES OF THE DISTRICT COURT DEPARTMENT, AND JUVENILE SECTIONS OF CERTAIN PROBATION OFFICES OF THE DISTRICT COURT DEPARTMENT

Pursuant to General Laws, Chapter 276, Section 99, as amended, the following standards and forms are hereby established by the Commissioner of Probation and approved by the Chief Administrative Justice of the Trial Court, effective March 1, 1981.

January 19, 1981

s (Joseph P. Foley)
Commissioner of Probation

FOREWORD

Recognition and appreciation are given to the members of the Juvenile Probation Ad hoc Committee that was developed by the Office of the Commissioner of Probation. Probation Officers who work with juveniles in both the Juvenile and District Court Departments worked together to establish a standardized format for the preparation and content of the informational reports that are required at various stages of the proceedings involving juveniles before the court. Procedural standards and forms were developed and recommended by the committee and are incorporated in these investigation standards. The professional input, interest and cooperation of the Administrative Justices of the District Court and Juvenile Court Departments are gratefully acknowledged.

INVESTIGATION STANDARDS FOR THE PROBATION OFFICES OF THE JUVENILE COURT DEPARTMENT, JUVENILE PROBATION DISTRICT OFFICES OF THE DISTRICT COURT DEPARTMENT, AND JUVENILE SECTIONS OF CERTAIN PROBATION OFFICES OF THE DISTRICT COURT DEPARTMENT

The goal of these delinquency and child-in-need-of-services investigation standards is to provide for pertinent, effective, and uniform investigation substance and procedures for the juvenile probation offices in the Juvenile Court Department and the District Court Department of the Trial Court.

I. PURPOSE OF THE REPORTS

Probation reports are prepared:

To assist the judge in making a determination in all delinquency and child-in-need-of-services matters before the court, pursuant to Massachusetts General Laws, Chapter 119.

To assist the probation officer in assessing the needs of those juveniles who are placed under probation officer supervision.

II. TYPES OF REPORTS

There are three probation investigation reports that are used in delinquency and child-in-need-of-services cases depending on the informational needs of the court and/or the probation officer:

Juvenile Intake Report	The Juvenile Intake Report (JUV INV 1-80)* provides the court and the probation officer with readily available information that may be used at any stage of the court proceedings.
Juvenile Investigation/ Inquiry Report	The Juvenile Investigation/Inquiry (JUV INV 2-80)* report provides the court with more extensive information to assist in making a determination in the matter before the court.

*See Attached Form

Post-Disposition Investigation Report	The Post-Disposition Investigation report provides the probation officer with the information sufficient to complete the Risk/Need assessment as described in the Risk/Need Classification of Probation Clients.

JUVENILE INVESTIGATION STANDARDS

1. The Juvenile Intake Report (JUV INV-1-80) shall be prepared and be available to the judge in all delinquency and child-in-need-of-services matters that are before the court. This report is mandatory and is prepared prior to the juvenile's initial court appearance.

2. The Juvenile Intake Report shall include readily available information consisting of identifying data; juvenile's residence, family composition and school status. The delinquency record shall be available in those instances where there is a question of bail. Where there is a question of indigency, financial data shall be included. Significant information such as the juvenile's home situation, physical and emotional health, substance abuse, etc. volunteered by the juvenile, family, or other sources shall be noted in the Juvenile Intake Report.

3. Where more extensive information is required by the judge after an adjudication of delinquency/child-in-need-of-services or a finding of sufficiency of facts, a Juvenile Investigation/Inquiry Report (JUV INV 2-80) shall be prepared by the probation officer.

4. The Juvenile Investigation/Inquiry Report (JUV INV 2-80) is to provide the court with more extensive information than is provided in the Juvenile Intake Report. It shall include identifying data, circumstances that resulted in the complaint/petition, developmental history and family assessment, school achievement and adjustment, health, interests and activities. It shall also include the juvenile's delinquency record, if any, a summary of the investigation, and a recommendation to include the juvenile's suitability for supervision by the probation department with specific conditions, if warranted in the opinion of the probation officer, and/or alternative programs. Generally, this report should be completed within a two week period, unless otherwise directed by the court.

5. When the court requires a more detailed in depth investigation/inquiry for cases such as transfer hearings and those child-in-need-of-services and delinquency cases where removal from the home appears necessary, such investigation/inquiries shall be in narrative form and shall include but not be limited to the topics delineated on the Juvenile Investigation/Inquiry Report. Generally, the report should be completed within three weeks, unless otherwise directed by the court.

6. If, in the course of the preparation of the Juvenile Investigation/Inquiry Report, the probation officer becomes aware that a physical or mental condition may exist, which in the probation officer's opinion requires professional evaluation, (s)he should recommend to the court that the juvenile be referred to an appropriate resource.

7. The Juvenile Investigation/Inquiry Report, upon its completion, shall be subject to review by the assistant chief probation officer or chief probation officer.

8. The Juvenile Investigation/Inquiry shall be available to the judge prior to the designated date of disposition. There may be prior availability for inspection of all investigations by the prosecutor and/or counsel for the juvenile and/or legal guardian upon written motion subsequent to an adjudication, a finding of sufficiency of facts or a plea of delinquency. Furthermore, the judge may except from disclosure parts of the report which are not relevant to a proper sentence, diagnostic opinion which might seriously disrupt a program of rehabilitation, sources of information or any particular information obtained upon a promise of confidentiality, or any other information which, if disclosed, might result in harm, physical or otherwise, to the juvenile or other persons. If the report is not made fully available, the portions thereof which are not disclosed shall not be relied upon by the probation officer in making his/her recommendation as to suitability for probation. None of the afore mentioned parties may make or receive a copy of the Juvenile Investigation/Inquiry Report without the express approval of the judge.

9. If a juvenile delinquent is placed under the supervision of a probation officer, a Post-Disposition Investigation Report shall be prepared within 30 days after disposition, unless the court should request that it be prepared sooner, in those cases in which additional information to complete the Risk/Need assessment and action plan is required.

10. The probation officer shall explain the purpose of all investigation reports to the juvenile and his/her legal guardian and shall explain the officer's role in the process.

COMMENTARY

The intent of the third standard is that nothing in this standard shall necessarily preclude the preparation of a Juvenile Investigation/Inquiry Report prior to an adjudication or a finding of sufficiency of facts. This can be done when 1) the juvenile and his/her counsel, if there be one, agrees and 2) adequate precautions are taken to ensure that, except when specifically ordered by the court, nothing disclosed by the Investigation/Inquiry Report comes to the attention of the court prior to an adjudication or a finding of sufficiency of facts.

In all reports consideration must be given to the reliability of the report data. Rational and consistent dispositional/sentencing decisions and case management decisions depend in great measure upon the accuracy and reliability of the information that is contained in the report.

Massachusetts General Law Chapter 119, Section 57 requires that, in every case of a delinquent child, a report "regarding the character of such child, his school record, home surroundings and the previous complaints against him, if any", be prepared by the probation officer. This requirement ordinarily should be satisfied by the completion of the Juvenile Investigation/Inquiry Report and/or the Post-Dispositional Investigation.

In those instances where a Juvenile Investigation/Inquiry Report has not been requested by the judge, there is nothing in the ninth standard (Risk/Need Assessment) to preclude the use of the related form, JUV INV 2-80, to complete the Post-Disposition Investigation report, provided all need categories are addressed.

The Juvenile Intake Report form (JUV INV 1-80) does not provide space for a copy of the juvenile's record. It is recommended that this be provided by means of an attached sheet or copy of the record card. Further, space for "comments" in the Education section may be used to record information such as home room #, teacher, grades repeated, and other pertinent data.

RULES AND PROCECURES FOR INVESTIGATIONS FOR THE PROBATION OFFICES OF THE JUVENILE COURT DEPARTMENT, JUVENILE PROBATION DISTRICT OFFICES OF THE DISTRICT COURT DEPARTMENT, AND JUVENILE SECTIONS OF CERTAIN PROBATION OFFICES OF THE DISTRICT COURT DEPARTMENT

Pursuant to General Laws, Chapter 276, Section 99, as amended, the following Rules and Procedures concerning probation investigations in the Juvenile Court Department and juvenile sessions of the District Court Department of the Trial Court, approved by the Chief Administrative Justice, are hereby promulgated by the Commissioner of Probation, effective March 1, 1981. These Rules and Procedures shall be used for the implementation of the Standards and Forms for probation investigations in the area of delinquency and child-in-need-of-services cases established for probation offices of the Juvenile Court Department, Juvenile Probation District Offices of the District Court Department, and Juvenile Sections of Certain Probation Offices of the District Court Department.

The standards promulgated herein are intended to represent minimal levels of acceptable practice. While each probation office will be expected to comply fully with these standards, there is nothing to preclude the individual offices from adopting additional standards, rules, and procedures, as appropriate. However, the forms are not to be modified. Any additional information should be provided by attaching an additional sheet(s).

January 19, 1981

s (Joseph P. Foley)
Commissioner of Probation

1. JUVENILE INTAKE REPORT

A. A Juvenile Intake Report (JUV INV 1-80) shall be prepared by a probation officer prior to trial/hearing for each juvenile before the Juvenile Court Department or the juvenile sessions of the District Court Department on a delinquency or child-in-need-of-services matter.

B. The Juvenile Intake Report shall include readily available information including identifying data, juvenile's residence, family composition, and school status. The delinquency record shall be available in those instances where the imposition of bail is under consideration. Financial data shall be included where there is a question of indigency. It shall include the pertinent Juvenile Court Department or District Court Department (juvenile session) docket number(s).

2. THE JUVENILE INVESTIGATION/INQUIRY REPORT

A. Where more extensive information is required by the judge after an adjudication of delinquency/child-in-need-of-services or a finding of sufficiency of facts, a Juvenile Investigation/Inquiry Report (JUV INV 2-80) shall be prepared by an assigned probation officer. A continuance of not more than two weeks generally should be required for the purpose of preparing the report.

B. The Juvenile Investigation/Inquiry Report should provide the court with timely, relevant and accurate information. While the juvenile probation officer has the discretion to include additional information which (s)he finds necessary to make a recommendation as to suitability of a particular juvenile for probation, the inclusion of the following items shall be considered to be standard in such report:

1. The report shall contain the circumstances of the complaint/petition.

2. The juvenile's delinquency record, if any, shall be attached to the report. If the probation officer deems it appropriate, or if the judge should request, such report shall include a discussion of the circumstances concerning the more serious past offenses as well as those offenses similar to the present charge(s) plus an identification of any significant trends.

3. The report shall include the following social history information: developmental history, family assessment, school achievement and adjustment, health, interests, and activities. The report shall also include information on available resources.

4. The report shall include an interpretive summary of information believed to be pertinent to the officer's recommendation regarding probation suitability and/or to the judge's determination of an appropriate disposition.

5. The report shall also include, where appropriate, a recommendation as to the juvenile's suitability for alternative program(s). Such recommendation may include, but need not be limited to, the following alternatives: placement with an appropriate community social service agency, residential or non-residential; special conditions of probation addressing restitution; or special requirements as to community protection.

C. When more space is needed than is available on the approved form (JUV INV 2-80), all the necessary information may be recorded on separate sheets. However, all categories listed on JUV INV 2-80 must be addressed.

D. The Juvenile Investigation/Inquiry Report should be completed within a two week period, generally.

E. The Juvenile Investigation/Inquiry Report shall be available to the judge at least two (2) days prior to date set for disposition.

F. After an adjudication, a finding of sufficiency of facts or a plea of delinquency, there may be prior availability of the Juvenile Investigation/Inquiry Report for inspection by the prosecutor and/or counsel for the juvenile and/or legal guardian upon written notice to the court. However, the judge may except from disclosure parts of the report which are not relevant to a proper sentence, diagnostic opinion which might seriously disrupt a program of rehabilitation, sources of information or any particular information obtained upon a promise of confidentiality, or any other information which, if disclosed, might result in harm, physical or otherwise, to the juvenile or other persons.

If the report is not made fully available, the portions thereof which are not disclosed shall not be relied upon in determining the probation officer's recommendation for probation disposition. None of the aforementioned parties may make or receive a copy of the Juvenile Investigation/Inquiry Report without the express approval of the judge.

3. THE DISPOSITION HEARING

When required by the judge, the probation officer or officers involved in the preparation of the Juvenile Investigation/Inquiry Report shall be present at the disposition hearing. Requests should be made of the judge that consideration be given to the schedules of the appropriate probation personnel.

4. THE POST-DISPOSITION INVESTIGATION REPORT

When a juvenile is placed under probation officer supervision without an investigation report sufficient to conduct a Risk/Need assessment and prepare an action plan, a Post-Dispostion Investigation Report shall be completed within thirty (30) days after disposition. The format of the Juvenile Investigation/Inquiry Report may be used.

5. REPORT RESPONSIBILITY

A. Preparation of the reports.

DEFINITIONS:

"Disposition Division"	-	The division in which the juvenile's trial/hearing occurs.
"Residency Division"	-	The division in which the juvenile resides at the time of his/her appearance before the court.

The chief probation officer in the disposition division of the Juvenile Court Department and the juvenile sessions of the District Court Department shall be responsible for the preparation of the Juvenile Intake Report.

The chief probation officer in the disposition division of the Juvenile Court Department and for the juvenile sessions of the District Court Department shall be responsible for the total preparation of the Juvenile Investigation/Inquiry Report. However, in those instances in which a particular area of investigation lies within another division, the chief probation officer of the disposition division may request assistance from the chief probation officer of such other division and the chief probation officer of that division should provide the assistance requested.

The chief probation officer in the residency division of the Juvenile Court Department or for the juvenile sessions of the District Court Department shall be responsible for the Post-Disposition Investigation Report, if necessary, whenever supervision of the juvenile is transferred to the residency division probation office.

B. Distribution of the Reports

There shall be transmittal of investigative information and reports among the probation offices of all Departments and Divisions of the Trial Court when the investigative information concerning a particular juvenile is needed by another Department or Division for use: 1) by the judge in proceedings before the Court and/or 2) by the probation officers in the case classification and case management decisions concerning the defendant.

There shall be transmittal of all investigative information and reports between the primary court to the juries of six court when a case is transferred for supervision, pursuant to the Juries of Six Court Procedures for Probation Offices, published by the Commissioner of Probation on 12/13/78.

6. RELIABILITY OF INVESTIGATIVE INFORMATION

Information that is likely to influence 1) the judge's disposition/sentencing, 2) the probation officer's recommendations to the court, and 3) the probation officer's Risk/Need classification of a client should be highly reliable. Therefore in preparing such investigation material and to assure a greater degree of reliability, probation officers should take the following steps:

1. The probation officer should make personal contact with informants or sources of information, when practicable, who can substantiate information. The probation officer should clearly state in the report those instances in which the information has been substantiated.

2. The probation officer should identify the sources of information in the report.

3. The probation officer should obtain pertinent documentation such as letters, clinical reports, school reports, etc. when practicable. The probation officer should indicate when information in the report is supported by such documentation.

4. Sources of information should be identified in all instances. However, this does not preclude, in extraordinary cases, the inclusion of information from unnamed sources or informants with whom the probation officer has had personal contact. This should be done only when, in the opinion of the probation officer, disclosure might result in serious harm, physical or otherwise, to the juvenile or other persons, or disrupt a program of rehabilitation. Furthermore, the probation officer should not rely upon any information obtained from unnamed sources or informants in making a recommendation as to suitability for probation.

COMPLAINTS/PETITIONS

_____

_____

_____

_____

COMMONWEALTH OF MASSACHUSETTS

THE TRIAL COURT

_____ **DEPARTMENT** _____ **DIVISION**

Date _____

Completed By _____

Supervised By _____

JUVENILE INTAKE REPORT

(please type or print)

Name _____ D.O.B. _____ Ver. _____

Address _____ Fl/Apt # _____ Telephone # _____

Prior Addresses _____
(past 12 months)

_____

DESCRIPTION Ht _____ Wt _____ Sex: M F Race _____ S.S.# _____

Health _____

EDUCATION

School _____ Address _____ Grade _____

Comments _____

FAMILY INFORMATION

FATHER	MOTHER
Name _____ D.O.B. _____	Name _____ D.O.B. _____
Address _____ Tel# _____	Address _____ Tel# _____
_____	_____
Marriage (Date/Place) _____	Marriage (Date/Place) _____
Div/Sep (Date) _____	Div/Sep (Date) _____
Sup. Order _____ Custody _____	Sup. Order _____ Custody _____
Health _____	Health _____
Education _____	Education _____
Occupation _____ S.S.# _____	Occupation _____ S.S.# _____
Employer _____	Employer _____
Length of Time _____ Tel# _____	Length of Time _____ Tel# _____

SIBLINGS

Number of Siblings _____ Ages _____

Siblings Known to Court _____

STEP PARENT

Name _____ D.O.B. _____ Health _____

Address _____ Tel# _____ S.S.# _____

Marriage (Date/Place) _____ Div/Sep _____ Support Order _____

Occupation _____ Employer _____ Length _____

****

FINANCIAL DATA (Where court appointed counsel is requested, or as otherwise directed by the court)

JUVENILE ☐ NO REQUEST FOR ATTORNEY

Occupation _____ Employer _____ Length _____

Address _____ Gross Salary _____ Net Salary _____

Banking: Savings _____ Checking _____

FATHER		MOTHER	
Gross Salary _____	Net Salary _____	Gross Salary _____	Net Salary _____
Savings _____	Checking _____	Savings _____	Checking _____
Other assets _____		Other assets _____	
_____		_____	

I/We hereby swear or affirm, under the penalties of perjury, that the above is true to the best of my/our knowledge.

_____ Juvenile _____ Parent/Guardian _____19_____ Date

In my opinion, the juvenile is able/marginally able/unable to retain counsel.

_____ Probation Officer's Signature _____19_____ Date

Judge's Finding Re Counsel _____ Judge _____ (optional)

****

COMMENTS: (Special considerations for the court to note)

JUVENILE INVESTIGATION/INQUIRY REPORT

CIRCUMSTANCES OF COMPLAINT/PETITION _____

_____

_____

_____

_____

HEALTH (including developmental history, physical, mental, hospitalizations, alcohol, drug usage, medical coverage, name and address of physician):

_____

_____

_____

_____

EDUCATION (including attendance, conduct, effort, achievement, vocational plans, attitude, special needs):

_____

_____

_____

_____

SOCIAL (leisure time, companions, special interests):

_____

_____

_____

_____

PERSONAL BEHAVIOR/ATTITUDE:

_____

_____

_____

_____

RELIGIOUS PREFERENCE _____ ATTENDANCE _____

CHURCH/TEMPLE _____ ADDRESS _____

FAMILY - PARENTS (Additional Information): _____

_____

_____

_____

SIBS:	NAME	BIRTHPLACE	D.O.B.	SCHOOL/GR OR OCCUP	RECORD	AT HOME
1.						
2.						
3.						
4.						
5.						
6.						
7.						

FAMILY INTERACTION _____

_____

_____

_____

AGENCY CONTACTS _____

_____

_____

_____

AVAILABLE RESOURCES _____

_____

_____

P.O. SUMMARY/RECOMMENDATIONS _____

_____

_____

SOURCES OF INFORMATION _____

_____

_____

Completed By _____

COMMONWEALTH OF MASSACHUSETTS

PRETRIAL INTAKE/INDIGENCY REPORT

_____ (date)

Division _____ Docket No.(s) _____

Department _____

INTAKE DATA

Name _____ Martial Status S____ M___W___ Sep.___Div. ____

Address _____ # of Dependents____ Spouse (Maiden) _____
(Street)

_____ With Whom Do You Reside _____
(City) (State) (Zip)

Other Residence(s) Past Year _____

Tel. No. _____ _____

DOB ___/___/____ POB _____ Father _____ Mother(Maiden) _____

Ethnicity White ☐ Black ☐ Hispanic ☐ Asian/Pacific Islander ☐ Cape Verdean ☐ American Indian ☐

Ht.____ Wt. ____Hair _____Eyes _____ Sex M _____F _____S.S. No. _____

U.S. Citizen Y____N_____I.D. Verified: Y____N _____ Method _____

Employed by _____ Occupation _____Since _____

Address _____Employment during past year _____

_____

Prior Court Appearances Y____ N _____ MASS Y____ N_____Other States _____
(Specify)

Probation/Parole (P/P) Status _____ Name/Tel# of P/P Supervisor _____

INDIGENCY REPORT
TO BE COMPLETED IF APPOINTMENT OF COUNSEL REQUESTED

I.

a. ____Party is indigent because receives public assistance in form of:

____ AFDC Poverty Related ____Food Stamps ____ Medicaid Refugee Resettlement
____ EAEDC _____Veterans' Benefits ____SSI _____ Benefits

VERIFIED_____

b. ____ Party is indigent because he/she is a patient in a public/private mental health facility and has no available funds. VERIFIED _____

c. ____ Party is indigent because is serving a sentence or is in custody in a jail or correctional institution and has no available funds. VERIFIED _____

d. ____ Party is indigent because annual income, after taxes, is 125% or less of the current poverty threshold referred to in G.L.c. 261, s.27A (b). VERIFIED _____

IF ANY OF ABOVE CATEGORIES APPLY, STOP. COMPLETE SECTIONS V AND VII ONLY. SUBMIT REPORT TO COURT. IF SECTION I IS NOT APPLICABLE, COMPLETE SECTIONS II - VII.

COMPUTATION

II. INCOME(Monthly)

a. Net salary _____
b. Interest, dividends, or other earnings _____
c. Contribution from other family member(s) _____
d. Unemployment, social security, workers' comp., pension, annuities _____
e. Income from individual with ``spouse type'' relationship _____
f. Other income _____

TOTAL INCOME $ _____

III. EXPENSES (Monthly)

g. Parties share of basic living costs, including loans, toward:
- Shelter _____
- Utilities _____
- Food _____
- Clothing _____
- Health care _____
- Transportation _____
- Education _____

TOTAL _____

h. Support for dependents _____

TOTAL EXPENSES $ _____

Subtract Total Expenses from Total Income
DISPOSABLE NET MONTHLY INCOME = $ _____ **(A)**

IV. LIQUID ASSETS

i. Cash, savings, bank accounts _____
j. Stocks, bonds, Certificates of Deposit (CD's) _____
k. Equity in real estate reasonably convertible to cash _____
l.. Equity in motor vehicle(s) not required for employment and reasonably convertible to cash _____

TOTAL LIQUID ASSETS $_____ **(B)**

V. I hereby affirm that the information listed above is true and accurate. By signing this document I do so under the penalties of perjury and I understand that some or all of this information is subject to verification.

_____ Signature of Party

_____ Date

VI. DETERMINATION OF INDIGENCY

(A) Disposable Net Monthly Income $ _____
(B) Plus liquid Assets +$ _____
C TOTAL $ _____
D Minus bail Obligations -$ _____
E Equals Available Funds
= $ _____

SUPERIOR COURT CRIMINAL ONLY

Available funds from E _____

Minus anticipated cost of Counsel _____

Actual Available funds _____

VII. RECOMMENDATION

Indigent _____ (fee)

Indigent but able to contribute $ _____

Not Indigent _____

Under the provisions of Section 4(a) of Rule 3:10 the above constitutes my recommendation to the Court.

_____ DATE

_____ SIGNATURE OF PROBATION OFFICER OR OTHER APPROPRIATE COURT EMPLOYEE

SUPERVISION

Standards and Forms for Risk/Need Classification for Probation Offices of the Superior Court Department, District and Boston Municipal Court Department and the Juvenile Court Department

MASSACHUSETTS TRIAL COURT
OFFICE OF COMMISSIONER OF PROBATION
ONE ASHBURTON PLACE
BOSTON, MA 02108

DONALD COCHRAN
COMMISSIONER

(617) 727-5300

STANDARDS AND FORMS FOR RISK/NEED CLASSIFICATION SYSTEM FOR PROBATION OFFICES OF THE SUPERIOR COURT DEPARTMENT, DISTRICT COURT DEPARTMENT, BOSTON MUNICIPAL COURT DEPARTMENT AND THE JUVENILE COURT DEPARTMENT

Pursuant to General Laws, Chapter 276, Section 99, as amended, the following standards and forms, approved by the Chief Administrative Justice of the Trial Court, are hereby established by the Commissioner of Probation, effective January 1, 1989.

November 18, 1988
Date

Donald Cochran
Donald Cochran
Commissioner of Probation

FOREWORD

Recognition and appreciation are given to the members of the Supervision Standards Advisory Committee. The probation personnel worked diligently in cooperation with the Office of the Commissioner of Probation in revising the Standards and Forms for the Risk/Need Classification System.

STANDARDS AND FORMS FOR RISK/NEED CLASSIFICATION SYSTEM

FOR PROBATION OFFICES OF THE

SUPERIOR COURT DEPARTMENT,

DISTRICT COURT DEPARTMENT,

BOSTON MUNICIPAL COURT DEPARTMENT

AND THE

JUVENILE COURT DEPARTMENT

STATEMENT OF PURPOSE

The Purpose of the Risk/Need Classification System is to implement a planned methodology for the assessment and supervision of the offender to promote law-abiding behavior in the community.

STATEMENT OF ROLES

The CHIEF PROBATION OFFICER* is responsible for implementing, monitoring, and maintaining the standards and procedures governing the Risk/Need Classification System established by the Commissioner of Probation.

The ASSISTANT CHIEF PROBATION OFFICER**, under the direction of the Chief Probation Officer, is responsible for reviewing, approving/disapproving, and monitoring classification decisions made by the probation officer assigned to him/her. These decisions include the offender profile, risk and need assessment/re-assessments, supervision plans, as well as any action the probation officer deems proper relative to extension, termination,and surrender of the offender.

The PROBATION OFFICER, through his/her interactions with the offender, is the essential nucleus of probation case classification. In the risk/need classification process, he/she is responsible for reviewing information already gathered on an offender, interviewing the

offender and other appropriate parties to obtain essential information, completing an offender profile, determining the offender's risk and need supervision levels, designing and recording a goal oriented supervision plan with appropriate due dates, implementing the plan during the supervision period, and completing reassessment, when appropriate, at the established intervals.

* The responsibilities set forth in these standards as applicable to the Chief Probation Officer shall, in the instance of one person offices, be applicable to the Probation Officer-in-Charge.

** The First Assistant Chief Probation Officer is responsible for performing those functions, with respect to these standards, which are delegated to him/her by the Chief Probation Officer.

ELEMENTS OF THE RISK/NEED CLASSIFICATION SYSTEM

The classification system is comprised of the following elements:

A. Compilation and review of all necessary and pertinent investigative and evaluative data;

B. Completion of an Offender Profile (form RA29-OP);

C. Completion of the risk section of the Risk/Need Offender Assessment, including basic identifying data, scoring in all the risk categories, determination of the total risk score and the corresponding level of supervision;

D. Completion of the need section of the Risk/Need Offender Assessment, including scoring in all the need categories;

E. Completion of a written supervision plan, (recorded on the chronological supervision sheet) consistent with the assessment, which addresses the offender's risk and needs, and the enforcement of court orders;

F. Review for approval/disapproval by the (A)CPO of the supervision plan with the appropriate notation on the chronological supervision sheet;

G. Periodic reassessments, when appropriate, at established intervals.

1:00 ASSESSMENT OF OFFENDER RISK/NEED

1:01 The probation officer completing the assessment shall collect and review all pertinent identifying and investigative data.

1:02 The probation officer, after evaluating all the pertinent data, shall complete a concise written Offender Profile (form RA29-OP) which shall include information sufficient to complete a Risk/Need Offender Assessment.

1:03 The probation officer, after completing the Offender Profile shall complete the following information on all Risk/Need Offender Assessments:

a. Name
Offender's full name (first, middle initial, last);

b. D.O.B.
Offender's date of birth-month/day/year;

c. PCF No.
Record the Probation Central File computer generated number assigned to the offender for identification purposes;

d. S.S.
Offender's social security number;

e. Sex
Record M for male, F for female;

f. Ct. No.
Court Number - Record the numeric code assigned to your court department by OCP for the purpose of reporting information to the Probation Central File (PCF);

g. Probation From/To
Record the date the offender was placed under probation officer supervision by the court and the projected termination date. When an offender is given two or more projected termination dates, the most advanced date given should be entered;

h. Offense(s)

List the offense(s) which resulted in the offender being placed under probation officer supervision. If there are more than two offenses, list the most serious offense(s);

i. Offender Ethnicity

Record the ethnic background of the offender by placing an X in the appropriate box. (Place an X in only one box).

1:04 The probation officer shall score the offender in each of the RISK CATEGORIES as set forth on form RA29-R/N-A or RA29-R/N-J.

1:05 The probation officer, after scoring each category, shall enter the Total Risk Score by adding the sum of the point score for each category.

1:06 The probation officer shall determine the level of probation officer supervision in accordance with the following table, place an X in the appropriate box to indicate the level of supervision, indicate the date assessed and record his/her initials:

Adult Total Risk Score		Supervision Level		Juvenile Total Risk Score
0 - 12	=	Maximum	=	0-16
13 - 20	=	Moderate	=	17-24
21 - 27	=	Minimum	=	25-30

1:07 An offender shall be classified automatically at the maximum supervision level for the first four (4) months, if the offense for which the offender is placed under supervision involves the threat of serious harm, or the infliction of serious harm. An appropriate notation indicating the increased level of supervision shall be entered on the chronological supervision sheet.

1:08 The probation officer shall supervise the offender in accordance with the following levels of supervision:

Maximum Supervision Level

There shall be at least one face-to-face contact and verification of special conditions of probation, employment and residence every fourteen (14) calendar days. Home visits and collateral contacts shall be made as appropriate.

Moderate Supervision Level

There shall be at least one face-to-face contact and verification of special conditions of probation, employment, and residence every thirty (30) calendar days. Home visits and collateral contacts shall be made as appropriate.

Minimum Supervision Level

There shall be at least some contact with the offender, which could include written status reports, telephone, letters or face-to-face at least once every ninety (90) calendar days.

1:09 The probation officer shall assess the offender in each of the NEED CATEGORIES as set forth on form RA29 - R/N-A or RA29 - R/N - J, by placing the letter P in each of the need categories where a problem exists which has been determined to be related to criminal/delinquent behavior; and the letters NP in each of the need categories where no problem exists which is related to criminal/delinquent behavior.

1:10 The probation officer shall review the investigative data, the Offender Profile, and the Risk and Need Categories prior to developing a written Supervision Plan for the offender.

1:11 The probation officer shall record the written Supervision Plan on the chronological supervision sheet.

1:12 The Initial Risk/Need Offender Assessment and Supervision Plan shall be completed within thirty (30) calendar days <u>from the date the offender is placed under probation officer supervision</u>.

1:13 The (A)CPO shall forward the original (white copy) of the Risk/Need Offender Assessment to the Office of the Commissioner of Probation (OCP).

COMMENTARY

With respect to Standard 1:04, the score for category #1, Prior Record; shall include the total prior incidents of court prosecution, with the exception of those incidents which resulted in a finding of not guilty or, not delinquent; or those incidents which do not carry a potential jail or prison sentence, or commitment to the Department of Youth Services. Where an offender is arrested on more than one charge, such an incident shall be considered as a single prosecution.

The score for category #2, "Prior Periods of Probation Supervision", shall reflect only those past incidents which resulted in supervision which is more than that which is now defined as Administrative Supervision.

For all other categories, the probation officer shall score the offender at the lowest risk score if the offender can fall into more than one of the scoring options.

There are several exceptions to Standard 1:06, in which the total Risk Score will not correspond to the actual level of supervision provided to the offender. The first exception is outlined in Standard 1:07 and the other exceptions may occur during the four, twelve, eighteen, or subsequent re-assessment periods, if the circumstances outlined in the Commentary for Standard 2:03 or Standard 2:05, 2:06 or Standard 2:07 are applicable.

When these particular circumstances occur, the probation officer shall place an X in the box indicating the actual level of supervision which the offender will receive and not at the level of supervision which corresponds to the Total Risk Score.

With respect to Standard 1:07, if, in the judgment of the probation officer, the circumstances of the offense do not merit automatically supervising the offender at the maximum level during the initial period of the probation, the probation officer should discuss the case with the (A)CPO. If the (A)CPO agrees that the increased level of supervision is not justified, then the offender shall be supervised at the level of supervision which corresponds to the TOTAL RISK SCORE. An appropriate notation indicating the reason for the action shall be recorded on the chronological supervision sheet by the probation officer, and approved and initialed by the (A)CPO.

With respect to Standard 1:08, although employment and residence must be verified by the probation officer every fourteen (14) calendar days in a maximum supervision case and every thirty (30) calendar days in a moderate supervision case, the method of verification need not always be by visits to the place of employment or residence. Telephone contacts, recent pay stubs, copies of dated bills mailed to the offenders residence, and other methods such as checking with the post office are examples of acceptable methods of verification.

With respect to Standard 1:11, the entry on the chronological supervision sheet should contain the following information at a minimum: a- date of the entry, b- Written Supervision Plan, (including the level of supervision) c- Name of the probation officer completing the supervision plan. Example: 1-10-89 Initial Supervision Plan (maximum) P.O. Jones.

With respect to Standard 1:13, the current procedure for the transmittal of the Risk/Need Offender Assessment to the OCP is the following: The (A)CPO or his/her designee shall collect and transmit all Initial Risk/Need Offender Assessments which have been completed by the probation officer and approved by the (A)CPO, during the report month. These forms must be received by the Research Division of the OCP by the 15th day of the month following completion.

2:00 CASE RE-ASSESSMENT AND CLASSIFICATION

2:01 Subsequent Risk/Need Offender Assessments and Supervision Plans shall be completed, if appropriate, at the Four Month, Twelve Month, Eighteen Month and at six month intervals thereafter, from the date the offender is placed under probation officer supervision.

2:02 The probation officer, when an offender is initially or subsequently classified at the Minimum Supervision Level, shall not reclassify the offender at any of the specified re-assessment periods. The offender shall be classified at the Minimum Supervision Level for the duration of the term of probation.

2:03 The probation officer, four (4) months from the date the offender is placed under supervision, shall evaluate the offender's behavior, re-assess and score the offender in each of the Risk and Need Categories, as set forth on Form RA29 - R/N-A or RA-29 - R/N-J, and determine the corresponding Supervision Level.

2:04 The probation officer twelve (12) months from the date the offender is placed under supervision, shall evaluate the offender's behavior, re-assess and score the offender in each of the Risk and Need Categories.

2:05 If at twelve (12) months, the offender has not been arraigned for a subsequent offense and has not been surrendered for a technical violation of probation, the supervision level shall be reduced one level from what the TOTAL RISK SCORE indicates, except that in no case shall an offender's level of supervision be reduced two levels from the previous re-assessment period.

2:06 If at eighteen (18) months, or at any subsequent assessment thereafter the offender has not been arraigned for a subsequent offense, and has not been surrendered for a technical violation of probation during the preceding twelve (12) months, the supervision level shall be reduced one level from what the TOTAL RISK SCORE indicates, except that in no case shall an offender's level of supervision be reduced two levels from the previous re-assessment period.

2:07 If at eighteen (18) months, the offender has not been arraigned for a subsequent offense, and has not been surrendered for a technical violation of probation, the supervision level shall be reduced to the Minimum Supervision Level.

2:08 If during the period of supervision, the offender is convicted of a subsequent offense, the probation officer shall initiate surrender proceedings. If the offender remains under probation supervision, the probation officer shall complete a new Risk/Need Offender Assessment (Offender Profile, Supervision Plan).

COMMENTARY

With respect to Standard 2:01, if after the eighteen (18) month assessment the level of supervision has not been reduced to the Minimum Supervision Level, the probation officer shall continue to assess the offender at six (6) month intervals until the level of supervision is reduced to the Minimum Supervision Level.

With respect to Standard 2:03, if an offender who initially had been automatically classified at the Maximum Supervision Level for the reasons outlined in Standard 1:07, continues to pose a threat for violent behavior, the probation officer, with the approval of the (A)CPO, may continue to classify and supervise the offender at the Maximum Supervision Level at each assessment period, regardless of the TOTAL RISK SCORE. The rational for the increased level of supervision shall be entered on the chronological supervision sheet.

Also with respect to Standard 2:03 please refer to Standard 7:07 7:08 and 7:09 of the SUPERVISION STANDARDS for the appropriate steps to be taken regarding Case Supervision and Plan Implementation.

With respect to Standard 2:05, an example of a situation in which an offender's level of supervision would not be reduced two (2) levels from the previous re-assessment period is as follows: At the four (4) month assessment the offender scores at the Maximum

Supervision Level. At the twelve (12) month assessment the offender scores at the Moderate Supervision Level and is not arraigned on a subsequent offense and has not been surrendered for a technical violation of probation, no additional reduction from the Moderate Supervision Level shall occur.

MASSACHUSETTS TRIAL COURT

ADULT RISK/NEED SCORING GRID

	Problem	No Problem
Educational:	Low skill/ability level, causing employment and other life adjustment problems. Could be a factor in recent/present unlawful behavior; or could be an obstacle to future law-abiding behavior.	Adequate skills/ability level. Not a factor in unlawful behavior; nor an obstacle to future law-abiding behavior.
Employment:	Unemployed or unsatisfactory employment. Could be a factor in recent/present unlawful behavior; or could be an obstacle to future law-abiding behavior.	Satisfactory employment. Not a factor in unlawful behavior; nor an obstacle to future law-abiding behavior.
Marital/Family:	Any disorganization or stress which is or may be a factor in recent/present unlawful behavior; or could be an obstacle to future law-abiding behavior.	Relationships not a factor in unlawful behavior; nor an obstacle to future law-abiding behavior.
Alcohol Usage:	Past or present use which causes some disruption of functioning. Needs treatment. Could be a factor in recent/ present unlawful behavior; or could be an obstacle to future law-abiding behavior.	No use reported, observed or on record. Not a factor in unlawful behavior; nor an obstacle to future law-abiding behavior.
Drug Use:	Past or present use causing some disruption of functioning. Needs treatment. Could be a factor in recent/present unlawful behavior; or could be an obstacle to future law-abiding behavior.	No use reported, observed or on record. Not a factor in unlawful behavior; nor an obstacle to future law-abiding behavior.
Social:	Non-existent or negative peer relationships. Could be a factor in recent/present unlawful behavior; or could be an obstacle to future law-abiding behavior.	No apparent negative peer relationships. Relationships not a factor in unlawful behavior; nor an obstacle to future law-abiding behavior.
Counseling:	Behavior problems that indicate some need for assistance. Could be a factor in recent/present unlawful behavior; or could be an obstacle to future law-abiding behavior.	Ability to function independently. Not a factor in unlawful behavior; nor an obstacle to future law-abiding behavior.
Financial Management:	Difficulties in handling finances. Could be a factor in recent/present unlawful behavior; or could be an obstacle to future law-abiding behavior.	No current difficulties and does not present a problem for a proper supervision plan. Not a factor in unlawful behavior; nor an obstacle to future law-abiding behavior.

MASSACHUSETTS TRIAL COURT

JUVENILE RISK/NEED SCORING GRID

	Problem	No Problem
Education:	Low performance/achievement. School adjustment problems. Absenteeism. Could be a factor in recent/present unlawful behavior, or could be an obstacle to future law-abiding behavior.	Not a factor in current delinquent behavior, nor an obstacle to future law-abiding behavior.
Family:	Any disorganization or stress which could be a factor in recent/present unlawful behavior, or could be an obstacle to future law-abiding behavior.	Relationships not a factor in current delinquent behavior nor an obstacle to future law-abiding behavior.
Social:	Non-existent or negative influences which could be a factor in recent/present unlawful behavior, or could be an obstacle to future law-abiding behavior.	No apparent negative influences which are a factor in current delinquent behavior, nor an obstacle to future law-abiding behavior.
Alcohol:	Past or present use.	No use reported, observed or on record.
Drugs:	Past or present use.	No use reported, observed or on record.
Counseling:	Behavior problems that indicate some need for assistance. Could be a factor in recent/present unlawful behavior, or could be an obstacle to future law-abiding behavior.	Ability to function independently in a non delinquent way and able to respond to supervision plan.

TRIAL COURT OF MASSACHUSETTS

OFFICE OF THE COMMISSIONER OF PROBATION

ADULT RISK/NEED OFFENDER ASSESSMENT

Name _____ PCF # _____
(First) (Initial) (Last)

D.O.B. ____/____/____ S.S.# _____/_____/_____ Sex _____ CT# _____

Probation From ____/____/____ to ____/____/____

Offense(s) #1 _____ #2 _____

Offender Ethnicity: White ☐ Black ☐ Hispanic ☐ Asian/Pacific Islander ☐
Cape Verdian ☐ American Indian ☐

OFFENDER RISK CATEGORIES	INITIAL	FOUR MONTH	TWELVE MONTH	EIGHTEEN MONTH
1. PRIOR RECORD DURING THE PAST 5 YEARS 0 = three or more 1 = two 2 = one 4 = none				
2. PRIOR PERIODS OF PROBATION SUPERVISION DURING THE PAST 5 YEARS 0 = two or more 1 = one 4 = none				
3. AGE AT FIRST OFFENSE 0 = 16 or younger 1 = 17-19 2 = 20-23 3 = 24 or older				
4. RESIDENCE CHANGES DURING THE PAST 12 MONTHS 0 = two or more 2 = one 3 = none				
5. EMPLOYMENT DURING THE PAST 12 MONTHS 0 = three months or less 1 = four - eight months 4 = nine months or more				
6. FAMILY STRUCTURE 0 = offender has few or negative family ties 3 = offender maintains strong positive family ties				
7. SUBSTANCE ABUSE 0 = abuse leading to disruption of functioning 1 = presently in treatment or prior problem 3 = no apparent problem				
8. ATTITUDE 0 = unresponsive/uncommitted to suggested supervision plan 3 = responsive/committed to suggested supervision plan				
TOTAL RISK SCORE				

Inital Assessment Date: By:			Four Month Date: By:			Twelve Month Date: By:			Eighteen Month Date: By:		
Max.	Mod.	Min.	Max.	Mod.	Min.	Max.	Mod.	Min.	Max.	Mod.	Min.

OFFENDER NEED CATEGORIES	INITIAL	FOUR MONTH	TWELVE MONTH	EIGHTEEN MONTH
Educational				
Employment				
Marital/Family				
Social				
Alcohol				
Drug Use				
Counseling				
Financial Management				

SUPERVISION LEVEL
Maximum = 0 - 12
Moderate = 13 - 20
Minimum = 21 - 27
OFFENDER NEED KEY
Problem = P
No Problem = NP

RA 29-R/N-A (1/92)

TRIAL COURT OF MASSACHUSETTS

OFFICE OF THE COMMISSIONER OF PROBATION

JUVENILE RISK/NEED OFFENDER ASSESSMENT

Name _____ PCF # _____
(First) (Initial) (Last)

D.O.B. ____/____/____ S.S.# _____/_____/_____ Sex _____ CT# _____

Probation From ____/____/____ to ____/____/____

Offense(s) #1 _____ #2 _____

Offender Ethnicity: White ☐ Black ☐ Hispanic ☐ Asian/Pacific Islander ☐
Cape Verdian ☐ American Indian ☐

OFFENDER RISK CATEGORIES	INITIAL	FOUR MONTH	TWELVE MONTH	EIGHTEEN MONTH
1. PRIOR DELINQUENCY RECORD 0 = one or more 3 = none				
2. PRIOR PERIODS OF PROBATION SUPERVISION 0 = one or more 3 = none				
3. AGE AT FIRST OFFENSE 0 = 14 years or younger 1 = 15 years old 2 = 16 years old				
4. SCHOOL DISCIPLINARY PROBLEMS DURING THE PAST 12 MONTHS 0 = Not attending/suspended/expelled 1 = Reported truancy/prior suspension(s) 3 = Problems, but being addressed at school 5 = No reported school disciplinary problems				
5. RESIDENCE CHANGES DURING THE PAST 12 MONTHS 0 = two or more 3 = one or none				
6. YOUTH'S RESPONSE TO CARETAKER DISCIPLINE 0 = No rules instituted 1 = Rarely obeys rules of the home 2 = Occasional infraction of rules of the home 4 = Consistently obeys rules of the home				
7. PEER RELATIONSHIPS 0 = Negative influence 1 = Isolated/few or no companions 3 = No apparent negative influence				
8. SUBSTANCE USE 0 = Use leading to disruption of functioning 2 = Any other known use 4 = No known use				
9. ATTITUDE OF YOUTH 0 = Unresponsive/uncommitted to suggested supervision plan 3 = Responsive/committed to suggested supervision plan				
TOTAL RISK SCORE				

Inital Assessment Date: By:			Four Month Date: By:			Twelve Month Date: By:			Eighteen Month Date: By:		
Max.	Mod.	Min.	Max.	Mod.	Min.	Max.	Mod.	Min.	Max.	Mod.	Min.

OFFENDER NEED CATEGORIES	INITIAL	FOUR MONTH	TWELVE MONTH	EIGHTEEN MONTH	SUPERVISION LEVEL
Educational					Maximum = 0 - 16
Family					Moderate = 17 - 24
Social					Minimum = 25 - 30
Alcohol Use					OFFENDER NEED KEY
Drug Use					Problem = P
Counseling					No Problem = NP

RA 29-R/N-J (1/89)

Standard and Forms for Supervision for Probation Offices of the Superior Court Department, District Court Department and Boston Municipal Court Department and the Juvenile Court Department

MASSACHUSETTS TRIAL COURT
OFFICE OF COMMISSIONER OF PROBATION
ONE ASHBURTON PLACE
BOSTON, MA 02108

DONALD COCHRAN
COMMISSIONER

(617) 727-5300

STANDARDS FOR SUPERVISION FOR PROBATION OFFICES OF THE SUPERIOR COURT DEPARTMENT, DISTRICT COURT DEPARTMENT, BOSTON MUNICIPAL COURT DEPARTMENT AND THE JUVENILE COURT DEPARTMENT

Pursuant to General Laws, Chapter 276, Section 99, as amended, the following standards and forms, approved by the Chief Administrative Justice of the Trial Court, are hereby established by the Commissioner of Probation, effective January 1, 1989.

November 18, 1988
Date

Donald Cochran
Donald Cochran
Commissioner of Probation

FOREWORD

Recognition and appreciation are given to the members of the Supervision Standards Advisory Committee. The probation personnel worked diligently in cooperation with the Office of the Commissioner of Probation in revising the Standards for Supervision.

STANDARDS FOR SUPERVISION FOR PROBATION OFFICES OF THE SUPERIOR COURT DEPARTMENT, DISTRICT COURT DEPARTMENT, BOSTON MUNICIPAL COURT DEPARTMENT AND THE JUVENILE COURT DEPARTMENT

STATEMENT OF PURPOSE

The purpose of probation supervision is the promotion of law-abiding behavior by the offender in the community.

STATEMENT OF ROLES

The CHIEF PROBATION OFFICER* is responsible for implementing, monitoring and maintaining the standards and procedures governing probation supervision established by the Commissioner of Probation.

The ASSISTANT CHIEF PROBATION OFFICER** under the direction of the Chief Probation Officer, is responsible for training and supervising the probation officer in the implementation of probation supervision.

The PROBATION OFFICER is responsible for carrying out the probation supervision of the offender.

* The responsibilities set forth in these standards as applicable to the Chief Probation Officer shall, in the instance of one person offices, be applicable to the Probation Officer-in-Charge.

** The First Assistant Chief is responsible for performing those functions with respect to these standards, which are delegated to him/her by the Chief Probation Officer.

1:00 PROBATION SUPERVISION

PROBATION SUPERVISION is a process whereby probation office resources are allocated and utilized in accordance with a case management system and consistent with the orders of the court.

PROBATION SUPERVISION can take one of the three forms:

1:01 RISK/NEED SUPERVISION shall be exercised in all felony, misdemeanor and delinquency cases in which supervision is ordered by the court, except for those cases which are assigned to DUIL SUPERVISION OR ADMINISTRATIVE SUPERVISION. RISK/NEED SUPERVISION is designed for only those cases where a comprehensive assessment and classification process is necessary to respond effectively to the risk to the community presented by the offender and to the individual offender's needs.

1:02 DUIL SUPERVISION shall be exercised in all cases in which supervision is ordered by the court for an offender found guilty of Driving Under the Influence of Alcohol. DUIL SUPERVISION is designed for those cases where the primary purpose of supervision is to respond effectively to the risk to the community presented by the offender who has been placed on probation supervision for operating a motor vehicle while under the influence of liquor.

1:03 ADMINISTRATIVE SUPERVISION shall be exercised in those cases where the primary purpose of the court's order is the enforcement of the collection of monies and/or any specific court orders. The following cases are subject to ADMINISTRATIVE SUPERVISION:

a. Support and Uniform Reciprocal Enforcement of Support Act (URESA);

b. Care & Protection cases;

c. Court ordered payments only, (fines, court costs, restitution, victim/witness fees);

d. Probationers in Residential Placement, Correctional Institutions or otherwise unavailable for supervision.

COMMENTARY

The preceding section constitutes the standard for determining the type of supervision appropriate for any particular case. A more detailed description of the elements of each type is contained in the following section of these standards.

In those instances where more than one form of supervision is applicable, the probation officer shall exercise that type of supervision which prescribes the highest level of contact.

It should be emphasized that those cases which carry court-ordered payments are not automatically Administrative Supervision cases. It is where the court intends no direct probation officer intervention beyond collection of monies and/or any other specific court order(s) that this type of supervision is applicable.

It is the intent of standard 1:03 section d, that upon release from a residential treatment facility, a correctional institution, or where an offender otherwise becomes available for supervision, an assessment shall be made by the probation officer to determine the form of supervision which is appropriate for the offender.

2:00 CONDITIONS OF PROBATION/TERMS OF SUPERVISION

2:01 The Chief Probation Officer shall be responsible for establishing written procedures designed to ensure that each offender placed on probation shall receive, forthwith, written conditions of probation, signed by the offender and the probation officer, a copy of which shall be retained in the case folder.

2:02 The Chief Probation Officer shall be responsible for establishing written procedures to ensure that offenders other than those placed on probation, who are placed under probation officer supervision by the court, shall receive, forthwith, written terms of supervision, signed by the offender and the probation officer, a copy of which shall be retained in the case folder.

2:03 The probation officer, prior to signing the conditions of probation/terms of supervision shall, in those instances where the court specifically orders that one or more of the four (4) standard conditions of probation/terms of supervision be waived, strike that condition(s)/term(s) and conversely add any additional condition(s)/term(s) imposed by the court.

2:04 The probation officer at the time of the signing of the conditions of probation/terms of supervision shall make every effort to ensure that the offender understands the conditions/terms of his/her probation supervision and shall explain the likely actions or response of the probation officer if the offender fails to comply with the conditions/terms. In the case of a juvenile offender, the probation officer shall explain to the parent(s) or legal guardian(s) the likely actions of the probation officer and possible consequences if the offender fails to comply with the conditions/terms.

2:05 The probation officer shall monitor and enforce the conditions of probation/terms of supervision.

2:06 The probation officer shall monitor and enforce the orders of the court in Care & Protection cases, where the court so directs.

COMMENTARY

Standard 2:01 refers to those cases where a conviction/adjudication has been made by the court, as distinguished from Standard 2:02 which is intended to refer to cases continued for supervision following a finding of sufficient facts. It is imperative that the offender receive, read, and sign the conditions of probation/terms of supervision as soon as possible following the court disposition. This should be done before the offender leaves the courthouse. The court, not the probation officer, sets the conditions of probation/terms of supervision. In the case of a juvenile offender, the conditions of probation, terms of supervision should also be signed by a parent(s) or legal guardian(s).

Administrative Supervision cases where the primary objectives of the court order is the collection of monies (i.e., fines, court costs, victim/witness fees, restitution only), are exempt from the requirement that a condition of probation/terms of supervision form be completed, unless the court should order otherwise. However, if the conditions of probation/terms of supervision form is not utilized, the probation officer shall ensure that the offender receives written confirmation of his/her obligation to the court.

The conditions of probation/terms of supervision requirement does not apply to Care & Protection cases and non-criminal support cases.

3:00 CASE ASSIGNMENT

3:01 The Chief Probation Officer shall be responsible for establishing written procedures to ensure that those cases placed under probation officer supervision by the court are assigned on the date of disposition.

COMMENTARY

Standard 3:01 requires each Chief Probation Officer to establish a timely and efficient procedure for initial processing of offenders placed under probation officer supervision by the court. Generally, the (A)CPO will be responsible for assigning the case, forthwith, to a probation officer to begin the initial assessment process. The (A)CPO should maintain a written record of all case assignments (Please refer to Standard 2:06 of the OFFICE PROCEDURES STANDARDS AND Commentary).

It is recognized that same-day assignment may be impossible under some exceptional circumstances (late court sessions, etc.). In those instances, the case should be assigned during the next working day.

4:00 CASE EVALUATION AND PLANNING

RISK/NEED SUPERVISION

4:01 For each offender assigned to RISK/NEED SUPERVISION, the probation officer shall commence personal contact with the offender and initiate the assessment process, forthwith, after receiving the case assignment from the (A)CPO.

4:02 The probation officer shall complete a review of all available investigative and evaluative material prior to commencing the initial assessment process.

4:03 The probation officer shall conduct an investigation of the offender in order to obtain sufficient information to accurately assess all the categories on the Risk/Need Offender Assessment form, and shall record said information on the Offender Profile form (RA29-OP).

4:04 The probation officer shall review the information contained on the Offender Profile prior to completing the Initial Risk and Need sections of the appropriate assessment (RA29-R/N-A or RA29-R/N-J).

4:05 The probation officer, after completing the Initial Risk/Need Offender Assessment, shall develop a written supervision plan which shall be recorded on the chronological supervision sheet.

4:06 The written supervision plan shall be consistent with the assessment and shall include the steps to be taken by the offender and the probation officer to address the offender's needs; other problem areas; enforcement of court orders (conditions of probation, special conditions of probation, court ordered payments) and to promote law abiding behavior by the offender in the community.

4:07 The initial supervision plan shall be completed and approved by the (A)CPO within thirty (30) calendar days from the date the offender is placed under probation officer supervision. (A)CPO approval shall be evidenced by the (A)CPO's initials and date of approval adjacent to the supervision plan and recorded on the chronological supervision sheet.

4:08 If the (A)CPO is not in agreement with the initial supervision plan, or any of the elements of the assessment process, the (A)CPO shall confer with the probation officer to resolve any differences. When necessary, the probation officer shall immediately revise the assessments and/or the supervision plan and record the revised plan on the chronological supervision sheet.

4:09 All subsequent offender assessments shall be completed by the probation officer and approval by (A)CPO in accordance with the intervals established and the procedures outlined in the Standards and Forms for the Risk/Need Classification System.

COMMENTARY

With respect to Standard 4:02 and Standard 4:08, the elements of the assessment process are a written Offender Profile, a Risk/Need Offender Assessment, and a written supervision plan.

With respect to Standard 4:03, when apparent inconsistencies surface as a result of the investigation, the probation officer should verify the information through other sources. Research indicates that the offender is often the most unreliable source of information. It may be necessary to interview other individuals to confirm or deny the accuracy of the information.

5:00 CASE EVALUATION AND PLANNING

DUIL SUPERVISION

5:01 For each offender assigned to DUIL SUPERVISION, the probation officer shall commence personal contact with the offender forthwith, after receiving the case assignment from the (A)CPO.

5:02 The probation officer, after the court has rendered a disposition, shall develop a written supervision plan which shall be recorded on the chronological supervision sheet.

5:03 The written supervision plan shall address the enforcement of all court orders, specifically addressing any special conditions of probation.

5:04 If aftercare is not ordered at the time of disposition, but is recommended by the vendor upon the offender completing a program of driver alcohol education, alcohol treatment and/or rehabilitation, the probation officer shall bring the case back before the court for review and possible modification of the conditions of probation by the court.

5:05 The written supervision plan shall be completed within (30) calendar days from the date the offender is placed under probation officer supervision.

5:06 After the probation officer has completed the supervision plan, he/she shall complete a DUIL Offender Supervision Level form (RA 65-DUIL).

5:07 The (A)CPO shall forward the original (white copy) of the DUIL Offender Supervision Level form to the Office of the Commissioner of Probation (OCP).

COMMENTARY

With respect to Standard 5:02 and 5:03, it is intended that the probation officer will develop a written supervision plan which is specific and consistent with the orders of the court. In the case of first offender drunk drivers who have chosen to participate in a driver alcohol education program (M.G.L. c. 90, Sec. 24D), it is expected that the plan would include the court order as well as the designation and location of the education program.

In addition, the plan should indicate what method(s) will be used by the probation officer to monitor the offender's compliance with the program requirements. Please refer to Standard 7:10, Case Supervision Plan Implementation.

For second offenders who have chosen to participate in a 14-day residential treatment program, it is expected that the plan will include all court orders as well as the designation and location of the residential program.

Once again, the plan should indicate what method(s) will be used by the probation officer to monitor the offender's compliance with the program requirements. Please refer to Standard 7:10, Case Supervision Plan Implementation.

For individuals who have been convicted of a second or subsequent offense and receive a period of incarceration and a term of probation, the plan should include all court orders and the method(s) used by the probation officer to monitor compliance with the conditions of probation.

In all instances, if aftercare or pretreatment is ordered at the time of disposition, the plan should include that requirement.

With respect to Standard 5:07, the current procedure for the transmittal of the DUIL Offender Supervision Level form to the OCP is the following: The (A)CPO or his/her designee shall collect and transmit all DUIL Offender Supervision Level forms which have been completed by the probation officer during the report month. These forms must be received by the Research Division of the OCP by the 15th day of the following month.

6:00 CASE EVALUATION AND PLANNING

ADMINISTRATIVE SUPERVISION

6:01 For each offender assigned to ADMINISTRATIVE SUPERVISION for a period longer than six (6) months, the probation officer shall develop a written supervision plan which shall be recorded on the chronological supervision sheet.

6:02 The written supervision plan shall address the enforcement of court orders, and specifically address any special conditions of probation.

6:03 The supervision plan shall be completed within thirty (30) calendar days from the date the offender is placed under probation officer supervision.

6:04 Each case assigned to ADMINISTRATIVE SUPERVISION for a period longer than six (6) months shall be reviewed quarterly by the supervising probation officer. All other Administrative Supervision cases shall be reviewed at the discretion of the supervising probation officer.

6:05 At each quarterly review, the probation officer shall evaluate whether the supervision plan has been addressed. If the plan has not been addressed, the probation officer shall bring the case to the attention of the (A)CPO for review. The (A)CPO shall discuss the case with the probation officer to determine what course of action is appropriate. A notation shall be recorded by the probation officer on the chronological supervision sheet regarding what specific corrective action must be taken. Where such action is required, the probation officer shall monitor the offender's progress and report any further non-compliance to the (A)CPO.

COMMENTARY

With respect to Standard 6:02, it is intended that the probation officer will develop a supervision plan that is specific and consistent with the orders of the court. In addition to stating the orders of the court, the plan should address monitoring of payments, referrals, and attendance at programs, when applicable.

In all cases involving the payment of monies, the supervising probation officer is encouraged to establish a specific payment plan with the offender.

In cases where the offender has fully satisfied all orders of the court, has substantially complied with the conditions of probation/terms of supervision, and has not been arraigned on a subsequent offense, the probation officer is encouraged to bring the case to the attention of the court and request early termination or dismissal.

7:00 CASE SUPERVISION PLAN IMPLEMENTATION

7:01 The probation officer shall implement and monitor the supervision plan including the enforcement of all conditions of probation/terms of supervision.

7:02 When implementing the supervision plan, and whenever the court does not establish a specific payment schedule, the probation officer shall ensure that a payment schedule is established immediately, following a review of the offender's financial status.

7:03 The date, type of contact and a summary of each activity which relates to an offender's case shall be recorded on the chronological supervision sheet.

7:04 The probation officer, in cases assigned to Risk/Need, DUIL or Administrative Supervision, shall revise the supervision plan whenever necessary during the supervision period.

7:05 The probation officer and the (A)CPO shall meet to discuss a case at the request of either individual. A notation as to the results of that meeting shall be entered on the chronological supervision sheet.

7:06 The probation officer, with the approval of the (A)CPO, shall request that an offender's case be brought forward for review and for possible modification, by the court, of the conditions of probation/terms of supervision when any of the following circumstances occur:

a. Where, in the opinion of the probation officer, one or more of the conditions of probation/terms of supervision are no longer appropriate;

b. Where, in the opinion of the probation officer, additional conditions of probation/terms of supervision should be imposed by the court because information was not known to the court at the time of the original disposition; or because the offender's behavior has become such that additional condition/terms have become essential to promote law abiding behavior;

c. Where, in the opinion of the probation officer, in a case involving the court ordered collection of monies, additional conditions/terms specifying an amount or a review of a payment schedule are essential to enforcement of the order.

7:07 The probation officer, in cases assigned to Risk/Need Supervision, shall re-assess and re-classify, when appropriate, each case at the intervals prescribed in the Standards for Risk/Need Classification. Each re-assessment shall be reviewed and approved by the (A)CPO. Evidence of the approval shall be the (A)CPO's initials and date adjacent to the probation officer's entry regarding the supervision plan.

7:08 In those instances where the re-assessment process is necessary, the probation officer, after completing the Risk/Need Offender Assessment, shall review the initial supervision plan and if necessary, revise the plan and record it on the chronological supervision sheet. In those cases where no changes in the initial supervision plan are necessary, the probation officer shall record "no changes necessary" on the chronological supervision sheet.

7:09 When the (A)CPO reviews the re-assessment and the entry regarding the supervision plan, the (A)CPO shall also review whether the previous supervision plan was addressed. If the plan was not addressed, the (A)CPO shall consult with the probation officer regarding the reason(s) and, where necessary, direct the probation officer to take corrective action. Where it is necessary to give such direction, the (A)CPO shall record same on the chronological supervision sheet and monitor the probation officer's response.

7:10 The probation officer, in cases assigned to DUIL SUPERVISION for first and second offenses, where the offender has chosen to participate in alcohol education or 14-day residential treatment programs, shall have contact with the offender and/or the program, which could include face-to-face, written status reports, letters or telephone, to ensure compliance and verification of all conditions of probation, at least once every thirty (30) calendar days.

7:11 The probation officer, in cases assigned to DUIL SUPERVISION for third and subsequent offenses, shall have face-to-face contact with the offender to ensure compliance and independently verify compliance with all conditions of probation, at least once every fourteen (14) calendar days.

7:12 If at twelve (12) months from the date the offender is placed under DUIL SUPERVISION, the offender has not been arraigned for a subsequent offense and has not been surrendered for a technical violation of probation, the probation officer shall reduce the level of contact to the following: for first and second offenses, to at least some contact with the offender, which could include written status reports, telephone, letters or face-to-face, at least once every ninety (90) calendar days; for third or subsequent offenses, to at least one face-to-face contact and verification of all conditions of probation, every thirty (30) calendar days.

COMMENTARY

With respect to Standard 7:02, in the case of a juvenile, it may also be appropriate to review the financial status of the parent and/or legal guardian when attempting to establish a payment schedule.

With respect to Standard 7:03, all entries made on the chronological supervision sheet should be brief, succinct and primarily focused on the implementation of the supervision plan including all conditions/terms. The probation officer, during the supervision period, should review the case folder, as necessary, to ensure familiarity with the offender's current status, as well as to help ensure compliance with the conditions/terms, and the full implementation of the supervision plan.

With respect to Standard 7:07, under certain circumstances it will not be necessary to re-assess and re-classify an individual on Risk/Need Supervision. For specific instructions concerning re-classification, please refer to Section 2:00 in the Standards for the Risk/Need Classification System.

8:00 CASE REVIEW/SURRENDER

8:01 The probation officer when he/she believes that an offender currently on probation, has been arrested on a new offense leading to a subsequent court appearance shall investigate the same and, if confirmed, initiate surrender proceedings.

8:02 The probation officer, when he/she believes that an offender has failed to comply with court-ordered conditions of probation, shall initiate surrender proceedings.

8:03 The probation officer, when he/she believes that an offender has violated the terms of supervision, shall notify the offender in writing of the intent to review the case before the court, as well as the basis for that review and shall file such request with the court.

COMMENTARY

With respect to Standards 8:01 and 8:02, surrender proceedings shall be conducted in accordance with the "Standard on Surrender and Revocation of Probation" promulgated by the Office of the Commissioner of Probation.

The requirements set out in Standards 8:02 and 8:03, may be qualified only where the court has established a written policy of exempting certain minor violations from the necessity of surrender or review. In all cases, the probation officer should advise the offender of the likelihood of surrender/review if the alleged violation(s) should continue and should document said warning(s) on the chronological supervision sheet.

In those instances where the court has established a written policy of exempting certain minor violations (i.e. a missed appointment or a missed payment) from surrender/review, a case review before an (A)CPO may be an effective mechanism for exercising control over an offender's behavior.

The goal of the review is to put the offender on notice that compliance with the conditions of probation/terms of supervision is required and that each infraction will receive an appropriate response. These responses should be consistent, predictable, and follow swiftly upon a violation of the conditions/terms.

Specifically, any missed contact or payment required as a condition of probation/term of supervision, should result in action by a probation officer. An initial missed contact or instance of non-compliance should be brought to the attention of the (A)CPO who will then determine whether a more formal case review before the (A)CPO is appropriate. A second infraction could result in a case review before the (A)CPO who will review the facts and reach a determination as to whether an infraction appears to have occurred. A third infraction could result in a case review before the CPO, who will also conduct a review of the facts. At any of the above-mentioned reviews, the ACPO or CPO may make an adjustment in the reporting requirements or the supervision plan, if such a change seems necessary to prevent probable future criminal behavior and/or to increase the level of compliance with the supervision plan. It may be appropriate to have the offender present at each step of the process.

With respect to Standard 8:03 the word court is meant to refer to the judge and/or the clerk magistrate.

9:00 EXTENSION/TERMINATION OF PROBATION

9:01 The probation officer, in those instances where he/she intends to recommend an extension of probation supervision, shall give written notice thereof to the probationer informing him/her of the right to be represented by counsel at the court hearing upon said expiration date and informing him/her of the factual basis for the recommendation of an extension. The probationer shall receive such notice at least seven days prior to the hearing.

9:02 The probation officer, where the court orders an extension of probation supervision, shall complete forthwith a new conditions of probation/terms of supervision form.

9:03 The probation officer, where court policy permits, and with the approval of the (A)CPO, shall have discretion to recommend to the court early termination of supervision.

9:04 The probation officer, not less than two weeks prior to the termination date, shall enter a written recommendation concerning termination or extension on the chronological supervision sheet. The basis for the recommendation shall be included in the entry. The recommendation shall be reviewed for approval/disapproval by the (A)CPO. The (A)CPO's approval shall be evidenced by the (A)CPO's initials and date of approval adjacent to the probation officer's entry.

9:05 The probation officer, in those instances where the offender is not present in court on the date of termination, shall notify the offender in writing of any action taken by the court other than termination.

10:00 COMMUNITY RESOURCES

A. Resource Directory

10:01 The Chief Probation Officer, to implement all supervision plans as effectively as possible, is responsible for developing, maintaining and annually updating a directory of community resources. Such directory shall be available in each probation office.

10:02 The directory shall include, but not be limited to, a listing of local resources which offer services in the following areas:

a. Job Training and Placement
b. Mental Health
c. Drug Programs
d. Alcohol Programs
e. Education Programs
f. Family Services
g. Medical Services
h. Residential Placement (emergency/long term)
i. Social/Recreational

10:03 Each resource listing shall include the following identifying data:

a. Name of Agency
b. Address and Telephone Numbers (day and evening)
c. Contact Person
d. Hours of Operation
e. Type and Extent of Services Offered
f. Population Served
g. Fees

B. Resource Development

10:04 The Chief Probation Officer shall ascertain annually the existence of community resources to meet identified offender needs.

10:05 The Chief Probation Officer, where community resources to meet identified offender needs do not exist, or are determined to be inadequate, shall inform the court and other appropriate parties. Such parties may include but not limited to, probation staff, the general public, community agencies, community organizations, and/or state agencies.

COMMENTARY

The use of community resources by probation officers for offenders requires that staff be apprised of changes (e.g. staffing, program changes) which could impact the use of or quality of an agency's services. Therefore, it is essential that a Chief Probation Officer have some method of review to identify changes in the utilization and quality of community resources which may affect the use of that resource by probation officers.

The Chief Probation Officer should develop a plan for evaluating the quality of services provided by resources utilized by the probation department. Such an evaluation could be comprised of periodic entries made in the resource directory by probation officers who have experience with a particular resource.

Chief Probation Officers, where existing resources are determined to be inadequate to meet identified offender needs, are encouraged to formulate a plan to enhance existing resources and/or develop needed resources.

Standards and Forms Regarding Surrender and Revocation Probation for the Probation Offices of the Superior Court Department, District and Boston Municipal Court Department and the Juvenile Court Department

JOSEPH P. FOLEY
COMMISSIONER

The Commonwealth of Massachusetts

Office of Commissioner of Probation
211 New Court House, Boston 02108

STANDARD AND FORMS REGARDING SURRENDER AND REVOCATION OF PROBATION FOR THE PROBATION OFFICES OF THE SUPERIOR COURT DEPARTMENT DISTRICT COURT DEPARTMENT BOSTON MUNICIPAL COURT DEPARTMENT AND THE JUVENILE COURT DEPARTMENT

Pursuant to General Laws, Chapter 276, Section 99, as amended, the following standard, together with revised form(s), approved by the Chief Administrative Justice of the Trial Court, is hereby established and promulgated by the Commissioner of Probation.

May 4, 1981

(s) Joseph P. Foley
Joseph P. Foley
Commissioner of Probation

I Notice. The probationer shall be entitled to at least 7 days notice on the form attached hereto, and this shall apply to a probationer who is brought before the Court on a warrant unless he/she has previously received said notice.

II Counsel. The probationer shall be entitled to counsel in any hearing on alleged violation(s) of probation.

III Hearings:

A If a probationer is surrendered and held in custody on a charge of violation of probation, apart from any other criminal/delinquency charge, he/she shall be entitled to (1) a preliminary hearing to determine probable cause on the alleged violation and (2) a separate final revocation hearing.

B If a probationer is held in custody on a criminal/delinquency charge other than violation of probation, and a charge of such violation is then preferred against him/her, then, after (1) a guilty/delinquent finding, or (2) a finding of probable cause, or (3) his/her being bound over to the Superior Court, with respect to another criminal charge, he/she shall not be entitled to a preliminary probable cause hearing on the alleged probation violation, but he/she shall be entitled to a final revocation hearing, after due notice therof.

See Gagnon v. Scarpelli, 93 S. Ct. 1756 (1973)
U.S. v. Strada, 503 F.2nd 1081 (8th Cir. 1974)
U.S. v. Sciuto, 531 F.2nd 842 (7th Cir. 1976)

IV Waiver. The probationer may waive his/her rights to notice, counsel or preliminary hearings by executing a waiver on the appropriate form attached hereto.

V Conduct of hearings:

A Except as may be otherwise provided by Court rule or administrative order both the preliminary hearing and the final revocation hearing shall be conducted by a judge.

B If the alleged violation is a subsequent criminal/delinquency complaint against the probationer in the same Court, the preliminary hearing (and the final revocation hearing if the preliminary hearing is waived), pursuant to the requisite notice may take place immediately following the hearing on the subsequent criminal/delinquency complaint. In this event the evidence admitted at the hearing on said complaint may be considered by the judge in his/her determination or finding on the probation revocation proceeding, provided the probationer shall have a full opportunity to introduce additional relevant evidence.

C If probable cause of violation of probation is determined and a separate final revocation hearing is held, the same judge may not sit on the final hearing unless the probationer expressly agrees thereto.

D The standard of proof in a final revocation hearing shall be a preponderance of the evidence.

E All testimony in both preliminary and final hearings, including that given by probation officers, shall be under oath.

F The rules of evidence shall not apply to testimony and documents offered on the issue of disposition nor on the issue of the alleged violation(s).

G When there is a subsequent criminal/delinquency complaint against the probationer, the record of a guilty finding thereon in the same court or a certified copy thereof from another court shall be admissible in any probation revocation hearing, preliminary or final. The fact that the conviction is appealed for a trial de novo or is awaiting appellate review does not prevent it from forming the basis for the revocation of probation.*

H At the conclusion of the preliminary and final hearing, findings and orders on the forms attached hereto shall be completed and filed with the case papers and copies provided to the probation department.

VI Extension of Probation. If at the termination of the period of probation the probation officer intends to recommend an extension of probation, he/she shall give written notice thereof to the probationer informing him/her of his/her right to be represented by counsel at the Court hearing upon said expiration date and informing him/her of the factual basis for the recommendation of any extension. If the probationer consents thereto, probation may be extended; if the probationer does not consent, the rules and regulations relative to probation revocation proceedings shall apply.

VII Juvenile Cases. These guidelines shall apply to all probationers adjudicated as delinquent or as children in need of services.

* It is the duty of a probation officer, when one of his/her probationers has been brought before a district court for a subsequent offense, has been found guilty/delinquent, and demanded a trial de novo, or has been bound over to the superior court following a probable cause hearing, to investigate the circumstances, and if in his/her opinion the probationer has violated the conditions of his/her probation, to surrender him/her for the court's decision without awaiting final disposition on the new charge.

Probation Office

_____ Court

_____ Address

_____

COMMONWEALTH vs _____

_____ Street

_____ Ma.

NOTICE OF SURRENDER AND HEARINGS(S) FOR ALLEGED VIOLATION(S) OF PROBATION

You are hereby notified to appear in this Court at _____ a.m./p.m. on _____, 19_____ for a hearing on a charge that you have violated the terms and conditions of your probation imposed by this Court on _____, 19 _____ on the following complaints (Docket Number(s) and Brief Description):

_____

_____

(Strike out (1) or (2) below, whichever is inapplicable).

(1) This hearing will be to determine whether there is probable cause to believe you have committed a violation of your probation. If the Court so finds, there will be a subsequent hearing on the issue of revocation and imposition of additional sanctions. If you wish, both hearings may be held at the same time. The same judge may not sit on both hearings unless you expressly agree thereto. In this particular case, you have a right to both hearings, but may waive the preliminary hearing if you wish.

(2) This hearing will be a final hearing on the issue of whether your probation shall be revoked and additional sanctions imposed.

You have the following rights:

(1) A right to legal counsel, and if you are unable to afford counsel, the Court will appoint counsel for you.

(2) A right to be confronted by the person alleging you have violated the terms of your probation and to cross-examine that person as well as any other persons who testify against you.

(3) A right to insist that all testimony be under oath.

(4) A right to remain silent and not to be prejudiced thereby.

(5) A right to testify on your own behalf, to produce witnesses and other evidence to support your denial of the alleged violation(s), or in a final revocation hearing to support the explanation or mitigation of any violation.

The notice of the alleged violation(s) of probation is as follows:

Alleged Violation(s)	Date	Place

Do not fail to appear in Court at the time and place ordered above. You may then request a continuance if additional time is required to protect your rights.

Date: _____ Signature _____

Assent to Immediate Hearing

I, _____, having received the foregoing notice, hereby assent to an immediate hearing,
this _____ day of _____

_____
Offender

RA 12-7A

Standards for Intra-State Transfer of Supervision

STANDARDS AND FORMS FOR

INTRA-STATE

TRANSFER OF SUPERVISION

FOR THE PROBATION OFFICES OF THE

DISTRICT COURT DEPARTMENT

JUVENILE COURT DEPARTMENT

BOSTON MUNICIPAL COURT DEPARTMENT

AND SUPERIOR COURT DEPARTMENTS

Pursuant to Massachusetts General Laws, Chapter 276, Section 99, as amended, the following standards, approved by the Chief Justice of Administration and Management of the Trial Court, are hereby established by the Commissioner of Probation, effective July 1, 1995.

These Standards replace the Standard For Intra-State Transfer of Supervision promulgated by the Commissioner of Probation on May 4, 1981.

May 10, 1995
Date

Donald Cochran
Commissioner of Probation

FOREWORD

Recognition and appreciation are given to the members of the Intra-State Supervision Standards Advisory Committee. The probation personnel worked diligently in cooperation with the Office of the Commissioner of Probation in revising the Standards and Forms for the Intra-State Transfer System.

We thank the following members of the Intra-State Supervision Standards Advisory Committee: Chief Probation Officers Gerald W. Buono, Jr., East Brookfield; Bernard L. Fitzgerald, Dorchester; Arthur W. Graham, Somerville; Hugh J. Moriarty, Springfield; Eugene A. Monteiro, Bristol Superior; John J. Wade, Bristol Juvenile; and Michael A. Walsh, Marlboro.

Intra-state Transfer of Supervision Standards

1:01 Only offenders that would normally be supervised under the Risk/Need Classification system and third and subsequent DUIL cases would be subject to transfer.

1:02 An individual shall be supervised by the probation office of his/her home community. The transfer or retention of an individual case shall be documented on the chronological record of supervision by the Chief Probation Officer or Probation Officer-In-Charge of the court of jurisdiction.

2:01 It is the responsibility of the Chief Probation Officer of the jurisdiction within which the defendant resides to accept supervision upon written notification (Notice of Transfer) from the Chief Probation Officer of the "sending office".

2:02 All written correspondence including the Notice of Transfer shall be faxed or mailed to the "receiving office" by the close of business of the next day.

2:03 Written notification confirming the request for transfer shall be provided to the offender by the "sending court".

2:04 If the offender's Court Activity Record Information (C.A.R.I.) sheet(s) indicates that there are outstanding warrant(s), at the time of the anticipated transfer, the dispositional court will ensure that the offender resolves the outstanding warrants prior to transferring supervision to the probation office where the offender resides. Until such matters are resolved the dispositional court shall maintain probation officer supervision.

2:05 The "receiving office" is responsible for the supervision of the probationer upon receipt of the written Notice of Transfer from the "sending office". The date of receipt becomes the "From Date" for purposes of completing the offender Risk/Need Assessment or the D.U.I.L. (3rd & subsequent) Supervision Plan.

3:01 The "sending office" upon receiving notice of a Subsequent Offender Activity Report (S.O.A.R.) shall notify the "receiving office" of same and initiate surrender & revocation proceedings.

3:02 The "sending office" shall promptly initiate surrender & revocation proceedings upon receipt of a written statement from the "receiving office" of an alleged violation(s).

3:03 The "receiving office" shall continue to supervise the offender in accordance with the Supervision Standards until they are instructed to the contrary.

3:04 The supervising probation officer of the "receiving office" shall appear as needed at all surrender and revocation proceedings in the court of jurisdiction. Unless otherwise ordered by the court, where such proceedings are based solely on a subsequent criminal offense, the supervising probation officer shall not be required to appear for the surrender hearing.

4:01 Payments for restitution, fines, costs, probation supervision fee, child support or other assessments ordered by the court shall be paid by the offender to the "sending office" and verified by the supervising office in accordance with the supervision plan.

4:02 An individual who has been placed on probation by a District Court Jury Session shall be supervised by the probation office in his/her home community.

4:03 When two (2) or more probation offices have jurisdiction of an offender, the Chief Probation Officers of the respective offices shall make a decision as to which office shall supervise the offender thereby avoiding duplicate supervision.

COMMENTARY

With regard to Standard 1:01, the determination as to whether a case is classified as a Risk/Need case is dictated by the definition outlined in the Supervision Standard. The general intent of the definition is that a case is Risk/Need if the Court (i.e. Dispositional Judge) intends that the offender have face to face contact with a probation officer. This includes cases that were continued without a finding with supervision. If the CPO of the "sending office" has any question in this regard, good probation practice requires that the CPO clarify the intent with the judge.

In addition, if at the time of disposition it is anticipated that the supervision of the offender will be transferred to an office in another jurisdiction, the "sending office" should request the court to establish a Condition of Probation/Term of Supervision that orders the offender to comply with the supervision strategies or requirements that the receiving office may impose to ensure public safety.

With regard to Standard 1:02 and for the purpose of efficiency, the Chief Probation Officer may choose to assign the responsibility of determining which offenders are transferred to an Assistant Chief Probation Officer. But in no case will the transfer or acceptance of supervision be initiated by a probation officer. The Chief Probation Officer should establish a written office procedure to insure the proper implementation of this standard.

When an offender who is being supervised by the primary court moves to another jurisdiction with four (4) or less months of supervision remaining and the offender has not been arraigned on a subsequent offense; and the level of supervision does not require a face to face contact during the remaining supervision period, normally good practice would indicate that the primary court retain jurisdiction and not transfer the supervision.

With regard to Standard 2:01, the probation office of the court of jurisdiction is hereafter termed the "sending office" and the probation office providing the supervision in the residential jurisdiction the "receiving office".

When a Chief Probation Officer makes a decision to transfer supervision of an offender, the "sending office" should telephone the "receiving office" and notify the Chief Probation Officer of the impending transfer; establish a date certain for the probationer to report (within ten (10) calendar days) to the supervising probation office, and so notify the offender of this action.

With regard to Standard 2:02, the following information shall accompany the Notice of Transfer: Pre-Trial Intake Form, signed Conditions of Probation/Terms of Supervision with a date certain to report to the "receiving office" within ten (10) calendar days, Payment Schedules, Complaint(s), Jury Transmittal Papers, Police Incident Report or Summary of Offense, current C.A.R.I., and any other available, pertinent documentation.

With regard to Standard 2:03, if the Conditions of Probation/Terms of Supervision contains a date certain to report to the probation office where the offender resides, then a copy of that contract will meet the intent of the standard. Otherwise, a copy of the Notice of Transfer should be given to the offender.

With regard to Standard 3:03 it is in the interest of public safety that offenders who are being surrendered for violation of Conditions of Probation/Terms of Supervision continue to be supervised in the community in which they reside. The mere fact that a Violation of Probation notice has been sent to an offender is not grounds to return supervision to the "sending office". It is acknowledged that there may be circumstances in which an offender's repeated failure to respond to supervision may be grounds for the case to be returned to the "sending office". A decision to return supervision will be made by the Chief Probation Officer of the "receiving office", based upon some objective criteria and not by an individual probation officer. The rationale for returning the case shall be documented on the chronological supervision sheet and transmittal letter and approved by the Chief Probation Officer of the "receiving office" prior to returning supervision of the offender to the "sending office".

There may also be circumstances when an offender fails to attend a court mandated program and a surrender notice is issued by the "sending office". However the offender may be in compliance with all other conditions of probation, (payment of monies, reports regularly, employed, etc.). In such instances probation officers should continue to supervise offenders in the community in which they reside, at least until the surrender proceedings have been finalized.

Standard: 2:04, 2:05, 3:01 - 3:04, 4:01 and 4:02 are not applicable to the Superior Court Department inasmuch as a transfer of a case for the purpose of supervision requires that all probation office responsibilities are transferred to the "receiving office".

MASSACHUSETTS TRIAL COURT
OFFICE OF COMMISSIONER OF PROBATION
ONE ASHBURTON PLACE
BOSTON, MA 02108

DONALD COCHRAN
COMMISSIONER

(617) 727-5300

Trial Court - Court Department
Notice of Transfer

Clerk Magistrate

Ass't Clerk Magistrate
Tel:(__)_____

_____ *Division*
P.O. Box
Presiding Justice

_____
Justice

_____

Chief Probation Officer

Assistant Chief Probation Officer
Tel:(__)_____

_____ _____
_____ _____
_____ _____
_____ _____

Dear Chief Probation Officer _____:

In accordance with Chapter 276, Section 99, as amended, modified and approved by the Chief Administrative Justice, and promulgated by the Commissioner of Probation, we are transferring the supervision of the above named individual, who resides within the jurisdiction of your court. Enclosed are relevant forms and reports. Kindly sign the enclosed copy of this letter and return it to us.

' is on probation for the following offenses:

_____
_____
_____
_____

I appreciate your cooperation in this matter.

_____ *Cover letter*
_____ *Intake/Indigency Form*
_____ *Conditions/Terms*
_____ *Payment Schedule(s)*
_____ *Complaint*
_____ *Jury Papers*
_____ *Police Report*
_____ *Record*
_____ *Collateral Information*
_____ *Picture (if available)*

Yours truly,

_____
Chief Probation Officer

Subject has been directed to report to your office on: _____

Subject has been directed to clear up defaults by: _____

'er accepted/rejected and assigned to P.O. _____
_____.

_____
A(C)PO

(I/S-7/95)

Standards and Form for Probation Supervision Fee

for Probation Offices of the

Superior Court Department,

District Court Department,

Boston Municipal Court Department,

and the

Juvenile Court Department

MASSACHUSETTS TRIAL COURT
OFFICE OF COMMISSIONER OF PROBATION
ONE ASHBURTON PLACE
BOSTON, MA 02108-1612

DONALD COCHRAN
COMMISSIONER

(617) 727-5300

STANDARDS AND FORM FOR PROBATION SUPERVISION FEE FOR PROBATION OFFICES OF THE SUPERIOR COURT DEPARTMENT, DISTRICT COURT DEPARTMENT, BOSTON MUNICIPAL COURT DEPARTMENT, AND THE JUVENILE COURT DEPARTMENT

Pursuant to General Laws, Chapter 276, Section 99, as amended the following standards and form, approved by the Chief Administrative Justice of the Trial Court, are hereby established by the Commissioner of Probation, effective

Sept 27, 1990
DATE

Donald Cochran
DONALD COCHRAN
COMMISSIONER OF PROBATION

STANDARDS REGARDING PROBATION FEES

1.01 The probation officer, at the time of arraignment, shall complete Sections, I, II and III of the "Probation Supervision Fee Assessment Report" (RA 66-PSF-I [9/90] attached). Prior to disposition the probation officer shall verify the information regarding support orders/restitution and make such information available to the court. The Court's assessed supervision fee or assessed community service hours is to be recorded in Section IV of said Report.

COMMENTARY

Supervised probation is defined as all cases currently classified under Risk/Need Supervision in accordance with the Standards for Supervision established by the Commissioner of Probation effective January 1, 1989 and all cases receiving probation supervision for Driving Under the Influence (DUIL).

1.02 All court orders regarding probation fees or community service shall be treated as a condition of probation/term of supervision. Existing standards, policies, and procedures regarding the monitoring and enforcement of court orders are fully applicable to probation fees. (See Supervision Standards, Section 8, Surrender/Case Review).

COMMENTARY

Unless the court established a specific payment schedule, the initial probation fee shall be payable within thirty (30) calendar days from the date the offender was placed on supervised probation: and all subsequent supervision fees shall be due each succeeding month from that date for the period of time the offender remains on supervised probation.

1.03 For the purpose of implementing the probation supervision fee legislation, the Chief Probation Officer* shall establish immediately, if one does not already exist, a community work service program utilizing public or non-profit agencies or facilities as placements.

COMMENTARY

As an aid in developing such a program, please refer to the "Manual:Restitution Programming", published by the Office of the Commissioner of Probation in May 1987 and "Manual:Accreditation of the Probation Offices of the Trial Court of Massachusetts," previously distributed to each Chief Probation Officer.

1:04 In the process of establishing a community work service program, the Chief Probation Officer shall establish a directory of public and non-profit agencies or facilities which the Chief Probation Officer has approved for placement of offenders.

COMMENTARY

In those instances where the Chief Probation Officer believes that the placement of an offender at an approved community work service site would present an undue risk to the community, the Chief Probation Officer shall immediately return the case to the court for review.

1:05 At each required contact with the offender during the period of supervision, the supervising probation officer shall verify the offender status with regard to outstanding support and/or restitution orders. Any significant changes shall be reported to the court for possible review and modification.

1.06 The Chief Probation Officer shall establish a local office procedure which ensures compliance with the requirements of Standard 1:05 above.

1:07 The Chief Probation Officer, consistent with existing supervision standards, shall establish procedures to insure that all offenders referred to community work service placements are monitored for compliance with the court order.

1:08 The Chief Probation Officer shall report the total amount of probation supervision fees received in a given month under the category marked "Other" in the section labeled "Collections" on the Monthly Report of Probation Activities (MRPA) form.

* The responsibilities set forth in these standards as applicable to the Chief Probation Officer shall, in the instance of one person offices, be applicable to the Probation Officer-In-Charge.

TRIAL COURT OF MASSACHUSETTS
OFFICE OF THE COMMISSIONER OF PROBATION

PROBATION SUPERVISION FEE ASSESSMENT REPORT

_____ DIVISION _____ DEPARTMENT

NAME: _____ DATE: _____

I. COURT ORDERED SUPPORT

Do you have any court ordered support obligation(s) YES NO DATE OF VERIFICATION

_____ _____

_____ _____

II. COURT ORDERED RESTITUTION

Do you have any court ordered restitution obligation(s) YES NO DATE OF VERIFICATION _____

If yes, list the name of the court(s) and specific the amount per month. $ AMOUNT PER MONTH

_____ $ _____ _____

_____ $ _____ _____

_____ $ _____ _____

TOTAL AMOUNT PER MONTH $ _____

III. NOTICE OF VERIFICATION

NOTICE: THE UNDERSIGNED PARTY IS HEREBY NOTIFIED THAT THE ABOVE INFORMATION IS PROVIDED UNDER PENALTIES OF PERJURY AND THAT ANY OR ALL SUCH INFORMATION IS SUBJECT TO VERIFICATION.

_____ SIGNATURE _____ DATE _____ PO INITIALS

IV. MONTHLY PROBATION SUPERVISION FEE/HOURS ASSESSED

$ _____
SUPERVISION FEE

_____ DATE P.O. INITIALS

_____
COMMUNITY WORK SERVICE HOURS

RA 66-PSF-I [9/90]

MANAGEMENT OF INFORMATION STANDARDS

Transmittal of Information to Jails and House of Corrections

MASSACHUSETTS TRIAL COURT
OFFICE OF COMMISSIONER OF PROBATION
ONE ASHBURTON PLACE
BOSTON, MA 02108

DONALD COCHRAN
COMMISSIONER

(617) 727-5300

STANDARD FOR THE TRANSMITTAL OF INFORMATION TO CORRECTIONAL INSTITUTIONS OF THE COMMONWEALTH OR TO THE JAILS OR HOUSES OF CORRECTION

(G. L., Chap. 127, Sec. 135)

This Standard, approved by the Chief Administrative Justice, supersedes the Standard issued by this office dated 11/8/61, reissued 7/1/71 and 9/15/80 and becomes effective January 1, 1989.

Chapter 155 of the Acts of 1980 authorized the Parole Board, subject to other provisions of law, to grant parole permits to prisoners in state and county correctional institutions serving sentences or total aggregate sentences of sixty days or more.

1. With respect to each prisoner sentenced for sixty days or more, the chief probation officer, or his/her designee, shall transmit certain information to the facility to which the prisoner has been committed. Whenever possible, that information shall be transmitted with the mittimus, but in any event, within one working day of the commitment. The following is the information to be transmitted:

   a. A copy of the "Intake Data" from the DETERMINATION OF INDIGENCY REPORT as prescribed for use in the probation offices of the Superior, Boston Municipal and District Court Departments respectively;

   b. A "Pre-sentence Report" if available;

   c. Police reports if available.

COMMENTARY

The intent of this Standard is to set out minimum standards only. The fullest cooperation with both state and county corrections as well as parole is urged in the interest of efficient administration of justice, prevention of crime and rehabilitation of the offender.

The local probation office shall enter into the computer all dispositional data concerning the offenses disposed of by the court no later than one working day following the defendant's commitment. At that point, the OCP will transmit the offender's criminal record to the Criminal History Systems Board, which will then store the record for future use by the Department of Correction, the Sheriffs, and the Parole Board.

Donald Cochran

DATE: November 23, 1988

(s) Donald Cochran
Commissioner of Probation

"Juries of Six" Case Procedures and Forms

JOSEPH P. FOLEY
COMMISSIONER

The Commonwealth of Massachusetts

Office of Commissioner of Probation
211 New Court House, Boston 02108

"JURIES OF SIX" CASE PROCEDURES AND FORMS FOR PROBATION DEPARTMENTS

Pursuant to General Laws, Chapter 276, Section 99, as amended, the following procedures for probation officers regarding "juries of six" cases, in effect in an earlier form December 13, 1978, has been modified basically as to the Record Reporting Instruction. Said modified procedures, approved by the Chief Administrative Justice of the Trial Court, is hereby established and promulgated by the Commissioner of Probation.

May 4, 1981

(s) Joseph P. Foley
Joseph P. Foley
Commissioner of Probation

The following are the procedures for all "Primary Court" and "Jury of Six Court" Probation Offices:

I DEFINITIONS:

A A "Primary Court"
Any division of the District Court Department, or the Boston Municipal Court Department, or any Division of the Juvenile Court Department in which a criminal or juvenile case is begun.

B A "Jury of Six Court"
Any Division of the District Court Department designated by the Administrative Justice of the District Court Department to conduct Jury of Six court sessions, or the Boston Municipal Court Department when conducting a Jury of Six court session, or any Division of the Juvenile Court Department when conducting a Juries of Six court session.

2500-6-81-163858

II TRANSMITTAL OF INFORMATION BY THE PRIMARY COURT PROBATION OFFICE TO THE JURY OF SIX COURT PROBATION OFFICE

A Jury of Six Court (JOSC) forms are to be completed by the Primary Court Probation Office and mailed to the Chief Probation Officer of the Jury of Six Court Probation Office within 2 days of the completion of the action of the Primary Court as described below:

1 when, upon arraignment, an individual exercises his/her right to a first instance Jury of Six Court Trial

or

2 when, upon arraignment, an individual waived his/her right to a first instance Jury of Six Court Trial, and, after an initial bench trial now claims a Jury of Six Court Trial de novo.

B The transmittal package will consist of:

1 COVER SHEET

2 NOTICE OF TRANSFER FOR TRIAL

3 PRE-TRIAL INTAKE REPORT/JUVENILE INTAKE REPORT

4 TWO COPIES OF DEFENDANT'S CRIMINAL RECORD/JUVENILE RECORD
one copy for the Jury of Six Court Probation Office and one copy for the prosecutor.

5 COPY OF POLICE REPORT OR SUMMARY OF INFORMATION
in the case of A1 above a police report should be submitted if available.
in the case of A2 above either a copy of the police report or summary of testimony must be transmitted.

6 COLLATERAL INFORMATION
All available information (e.g. previous social history, psychological and/or psychiatric evaluations) is included in this category.

III TRANSFER OF SUPERVISION BY JURY OF SIX COURT PROBATION OFFICE TO PRIMARY COURT PROBATION OFFICE

A Jury of Six Court (JOSC) forms are to be completed by the Jury of Six Court Probation Department and mailed to the Chief Probation Officer of the Primary Court Probation Office within 2 days of the completion of the action in the Jury of Six Court.

B The transfer package will consist of:

1 NOTICE OF TRANSFER FOR SUPERVISION

2 SIGNED CONDITIONS OF PROBATION

3 PRE-TRIAL INTAKE REPORT/JUVENILE INTAKE REPORT

The Pre-Trial Intake Report/Juvenile Intake Report submitted by the Primary Court with any additional corrections or deletions made by the Jury of Six Court Probation Office.

4 a Pre-sentence Investigation Report/Juvenile Investigation Inquiry Report in those cases where the Justice of the Jury of Six Court has requested that additional information be gathered. The responsibility for conducting this additional investigation rests with the Jury of Six Court Probation Office.

5 COLLATERAL INFORMATION
any and all additional information obtained by the Jury of Six Court Probation Office (e.g. psychological and/or psychiatric evaluations, copies of screenings etc).

6 DEFENDANT'S NOTICE TO REPORT
It is the obligation of the Jury of Six Court Probation Office to call the Primary Court Probation Office for a time certain for initial reporting to the Primary Court Probation Office, to complete a DEFENDANT'S NOTICE TO REPORT, and to witness the defendant's signature. Before leaving the Jury of Six Court the defendant is to be provided a copy of this form by the Jury of Six Probation Department.

IV CONDITIONS OF PROBATION

Before the defendant leaves the Jury of Six Court he/she is to be provided a copy of CONDITIONS OF PROBATION by the Jury of Six Court Probation Office. Subsequent modifications of the conditions of probation are the responsibility of the Primary Court.

V DEVELOPMENT OF THE SUPERVISION PLAN

Additional investigation necessary to establish a probation plan or any modifications of the terms of probation are the responsibility of the Primary Court.

VI INTRA-STATE TRANSFER OF SUPERVISION

All cases transferred by the Primary Court Probation Office in accordance with STANDARDS FOR INTRA-STATE TRANSFER OF SUPERVISION (promulgated May 4, 1981) shall be provided the same quality and degree of supervision as is ordinarily provided by the receiving court probation office to its own cases.

VII SURRENDER PROCEDURES

Currently established guidelines regarding surrenders are to be followed by the Primary Court Probation Office. All surrender hearings and revocations of probation are conducted by the Primary Court.

VIII TERMINATION OF PROBATION/SUPERVISION

All proceedings relative to termination of probation/supervision are conducted by the Primary Court.

IX COLLECTION OF MONIES

All suspended fines and suspended costs are to be collected by the Primary Court Probation Office and paid to the Clerk/Magistrate of the Primary Court.

All orders of restitution are to be collected and processed by the Primary Court Probation Office.

The Jury of Six Court shall collect only complete forthwith payments of fines or costs.

X JUVENILE CASES

These procedures shall apply to all Juvenile and Children in Need of Services (CHINS) cases, in the District Court Department or the Juvenile Court Department of the Trial Court.

XI FINAL DETERMINATION OF A CASE BY THE JURY OF SIX COURT

In cases where a final determination is made by the Jury of Six Court (e.g. not guilty, fine paid in full, etc.) notice of the final disposition will be reported to the Chief Probation Officer of the Primary Court by the Jury of Six Probation Office, within 2 days of final disposition.

XII RECORD REPORTING INSTRUCTION

SEE:

OFFICE OF THE COMMISSIONER OF PROBATION
PROBATION CENTRAL FILE (PCF)
INSTRUCTION MANUAL

FOR

MASSACHUSETTS PROBATION OFFICE
REPORTING AND REQUESTING
COURT ACTIVITY RECORD INFORMATION

DECEMBER 1980

(RED BOOK)

COMMONWEALTH OF MASSACHUSETTS

THE TRIAL COURT

_____ DEPARTMENT _____ DIVISION

COMMONWEALTH

vs

_____ ADDRESS _____

D.O.B. _____

DOCKET NO _____ PRIMARY COURT

PRIMARY COURT TRANSMITTAL INFORMATION

☐ NOTICE OF TRANSFER FOR TRIAL (Form #JOSC-2)

☐ PRE-TRIAL INTAKE REPORT/JUVENILE INTAKE REPORT

☐ DEFENDANT'S CRIMINAL RECORD (2)/DELINQUENCY RECORD (2)

☐ POLICE REPORT OR SUMMARY OF TESTIMONY

☐ COLLATERAL INFORMATION

_____

JURY OF SIX TRANSFER INFORMATION

☐ NOTICE OF TRANSFER FOR SUPERVISION (Form #JOSC-4)

☐ SIGNED CONDITIONS OF PROBATION / TERMS OF SUPERVISION

☐ PRE-TRIAL INTAKE REPORT/JUVENILE INTAKE REPORT

☐ PRE-SENTENCE INVESTIGATION REPORT/JUVENILE INVESTIGATION INQUIRY REPORT

☐ COLLATERAL INFORMATION

☐ DEFENDANT'S NOTICE TO REPORT (Form #JOSC-6)

COMMONWEALTH OF MASSACHUSETTS

THE TRIAL COURT

_____ DEPARTMENT _____ DIVISION

NOTICE OF TRANSFER FOR TRIAL

TO: Chief Probation Officer
_____ Department
_____ Division

FROM: _____
(primary court)

On _____, before the Honorable _____
(date) (name)

Justice of this court, the herein named _____
(defendant)

DOB, _____, of _____
(present address)

☐ Has claimed a first instance jury trial for the following offenses:

☐ has been found guilty/delinquent of the following offenses and requests a trial de novo.

Docket #	Offense	Disposition

The matter has been transferred to your Division for trial and disposition. It has been scheduled on_____ at _____ (A.M.)(P.M.) for:
(date)

☐ Pretrial Conference

☐ Assignment of Counsel

☐ Trial

Date: _____

Signature: _____

RA 24-JOBC-2

COMMONWEALTH OF MASSACHUSETTS

THE TRIAL COURT

_____ DEPARTMENT _____ DIVISION

NOTICE OF TRANSFER FOR SUPERVISION

TO: Chief Probation Officer
District Court Department
_____
(primary court)

FROM: _____Division

On_____, before the Honorable _____
(date) (name)

Justice of this court, the herein named _____
(defendant)

DOB,_____ of _____
(present address)

☐ has been found guilty/delinquent of the following offenses after a jury trial.

☐ has been found guilty/delinquent of the following offenses after a jury waived trial.

☐ has pleaded guilty/delinquent/admitted to sufficient facts to the following offenses at a pre-trial conference:

Docket #	Offense	Disposition
primary ____ jury ____		
primary ____ jury ____		
primary ____ jury ____		
primary ____ jury ____		

The case has been transferred back to your Division for supervision and any other action that might follow thereafter.

Date: _____

Signature: _____

RA 25-JOSC-4

The Commonwealth of Massachusetts

DISTRICT COURT DEPARTMENT
_____ DIVISION

COMMONWEALTH
vs

_____

ADDRESS _____

D.O.B. _____

DEFENDANT'S NOTICE TO REPORT

DATE OF DISPOSITION: _____

JURY-OF-SIX COURT _____

PRIMARY COURT _____

NOTICE TO DEFENDANT _____: The supervision of
(name)

your case is being transferred to _____
(name and address of supervision court)

You are hereby ordered to appear at the probation office of that court

on _____ at _____ for:
(date) (time)

☐ Initial probation report

☐ Payment of suspended fines and suspended costs

☐ Payment of restitution

Failure to appear in compliance with this order will constitute a violation of the terms of your probation/continuance and will result in violation of probation proceedings being initiated against you by the probation department of _____
(name of supervising court)

_____ (date)

_____ (Signature of Jury-of-Six Probation Officer)

I understand and agree with the provisions of this notice and I will notify the Chief Probation Officer of the court to which this case is being transferred of any change in my address prior to my scheduled appearance in that probation office as soon as such a change occurs.

_____ (Witness)

_____ (Signature of defendant)

Standards for the Reporting of Offender Information Probation Central File (PCF) by Probation Offices of the Superior Court Department, District Court Department, Boston Municipal Court Department and the Juvenile Court Department

STANDARDS, RULES AND FORM

FOR THE REPORTING OF OFFENDER INFORMATION

TO PROBATION CENTRAL FILE (OCP)

BY PROBATION OFFICES OF THE

SUPERIOR COURT DEPARTMENT,

DISTRICT COURT DEPARTMENT,

BOSTON MUNICIPAL COURT DEPARTMENT,

AND THE

JUVENILE COURT DEPARTMENT

Pursuant to General Laws, Chapter 276, Section 99 and 100, as amended, the following standards, rules and form, approved by the Chief Administrative Justice of the Trial Court, are hereby established by the Commissioner of Probation, effective July 1, 1982.

June 1, 1982

Commissioner of Probation

REPORTING OF OFFENDER INFORMATION STANDARDS

FOR PROBATION OFFICES OF THE

SUPERIOR COURT DEPARTMENT,

DISTRICT COURT DEPARTMENT,

BOSTON MUNICIPAL COURT DEPARTMENT

AND THE

JUVENILE COURT DEPARTMENT

STANDARDS

I. STATEMENT OF PURPOSE

The purpose of reporting information to the Office of the Commissioner of Probation (OCP) Probation Central File (PCF) is:

1. The collection and maintenance, at one central office in the Trial Court, of court offender record information concerning all defendants charged with crime and delinquency in Massachusetts.

2. The dissemination of up-to-date court offender record information to courts, law enforcement agencies and other authorized persons of agencies.

3. The development of a data base for research studies relating to crime and delinquency.

II. STATEMENT OF ROLE

The Chief Probation Officer* shall be responsible for implementing, monitoring, and maintaining the standards and procedures governing the reporting of court offender record information to PCF.

III. REPORTING PROCEDURE

1. The probation office staff, under the direction and delegation of its Chief Probation Officer or Probation Officer-in-Charge, servicing a Court Division or Department or certain sessions of a court department/division, shall submit to PCF a completed original CP-1 Form for each defendant arraigned in that court on a criminal or delinquency complaint, or an indictment.

*The responsibilities set forth in these standards as applicable to the Chief Probation Officer shall be applicable to the person-in-charge and, in the instance of one-person offices, to the Probation Officer-in-Charge.

2. A subsequent CP-1 Form on each defendant shall be submitted to PCF each time there is a change in the data or disposition reported.

COMMENTARY

With respect to Standard III, 2, it should be emphasized that continuances ordered by the Court after the hearing on the merits shall be reported to PCF.

In addition, it should be noted that all interim continuances of less than 60 days that occur between the arraignment date, and the Court's hearing the facts on a case do not need to be individually reported. All interim continuances not previously reported are to be included in the next report submitted on the case.

3. All CP-1 forms, completed both at arraignment and at the time of subsequent action, shall be submitted by the probation office to PCF within three (3) business days following the court action.

4. All court offender record information on each defendant charged with a crime or delinquency shall be recorded and transmitted on Form CP-1, established by the Commissioner, or as may be revised and distributed, from time to time, by the Commissioner.

5. All CP-1 forms shall be completed in accordance with the instructions contained in the PCF "Instruction Manual for Massachusetts Probation Office Reporting and Requesting Court Activity Record Information", dated December 1980, issued by the Commissioner of Probation, or as amended from time to time by the Commissioner of Probation.

Standards for the Report of Monthly Probation Activities for the Probation Offices of the Superior Court Department, Probate and Family Court Department, District Court Department, Boston Municipal Court Department and the Juvenile Court Department

MASSACHUSETTS TRIAL COURT
OFFICE OF COMMISSIONER OF PROBATION
ONE ASHBURTON PLACE
BOSTON, MA 02108

DONALD COCHRAN
COMMISSIONER

(617) 727-5300

STANDARD FOR THE MONTHLY REPORT OF PROBATION ACTIVITIES FOR THE PROBATION OFFICES OF THE SUPERIOR COURT DEPARTMENT PROBATE & FAMILY COURT DEPARTMENT DISTRICT COURT DEPARTMENT BOSTON MUNICIPAL COURT DEPARTMENT AND THE JUVENILE COURT DEPARTMENT

Pursuant to Massachusetts General Laws, Chapter 276, Section 99 and 100 as amended, the following standard, instructions and forms, approved by the Chief Administrative Justice of the Massachusetts Trial Court, are hereby established by the Commissioner of Probation, effective January 1, 1987.

This standard supercedes the standard for the Monthly Report of Probation Activities dated September 12, 1983.

October 10, 1986
Date

Donald Cochran
Donald Cochran
Commissioner

STANDARD

Chief Probation Officers of the Superior, Probate and Family, District, Boston Municipal and the Juvenile Court Departments shall submit the Monthly Report of Probation Activities form in accordance with the Office of the Commissioner of Probation, Management Information System Instructions for Monthly Report of Probation Activities as described below:

	MIS Instructions	MIS Form
Superior Court Department	MRPA/SI	MRPA/S
Probate & Family Court Department	MRPA/PI	MRPA/P
District Court Department	MRPA/DI	MRPA/D
Boston Municipal Court Department	MRPA/DI	MRPA/D
Juvenile sections of Probation Offices and Juvenile Probation District Offices of the District Court Department	MRPA/JI	MRPA/J
Juvenile Court Department	MRPA/JI	MRPA/J

OFFICE OF THE COMMISSIONER OF PROBATION
MANAGEMENT INFORMATION SYSTEM
INSTRUCTIONS FOR MONTHLY REPORT OF PROBATION ACTIVITIES

For Probation Offices of the Superior Court Department

These instructions shall be followed by all probation offices in the Superior Court Department. The instructions refer to the Monthly Report of Probation Activities Form (MRPA/S - 1/87). If there are any questions pertaining to either these instructions or the report form, please contact the Research Department of the Office of the Commissioner of Probation, 617-727-5306.

I. RISK/NEED CASEFLOW	This section applies to offenders supervised in accordance with the Risk/Need Classification System Only.
CARRY OVER	Record the TOTAL number of cases from Section I of the previous report month.
NEW CASES	Record all new/re-activated RISK/NEED classified cases which were completed and approved during this report month.
TERMINATED	Record all RISK/NEED classified cases in which supervision has been terminated during this report month. INCLUDE IN THIS FIGURE: Surrenders, which resulted in an individual being incarcerated, discharged from probation supervision or defaulted. Transfers, which resulted in an individual being transferred to another probation office for supervision.
TOTAL	Record the total number of individuals receiving RISK/NEED supervision as of the last day of this report month. This number is equal to the number of CARRY OVERS, plus (+) the NEW CASES, minus (-) the TERMINATED.

II. RISK/NEED LEVEL OF SUPERVISION	Include in this section all individuals under RISK/NEED supervision as of the last day of this report month. Record each individual in the column corresponding to the level of supervision as indicated on the RISK/NEED classification form or chronological supervision sheet. (Intensive, Maximum, Moderate, Minimum). PLEASE NOTE: The total number of individuals being supervised under Section II must equal the number of individuals being supervised under Section I, (RISK/NEED CASEFLOW).
III. ADMINISTRATIVE SUPERVISION	Include each individual who is being actively supervised by a probation officer for a period of more than thirty (30) days and who is NOT being supervised in accordance with the Risk/Need Classification System.
CARRY OVER	Record the TOTAL number of cases from Section III of the previous report month.
NEW CASES	Record all new/re-activated ADMINISTRATIVE SUPERVISION cases in which a supervision plan was completed and approved during this report month.
TERMINATED	Record all ADMINISTRATIVE SUPERVISION cases in which supervision has been terminated during this report month. INCLUDE IN THIS FIGURE: Surrenders, which resulted in an individual being incarcerated, discharged from probation supervision or defaulted. Transfers, which resulted in an individual being transferred to another probation office for supervision.
TOTAL	Record the total number of individuals receiving ADMINISTRATIVE supervision as of the last day of

this report month. This number is equal to the number of CARRY OVERS, plus (+) the NEW CASES, minus (-) the TERMINATED.

IV. PROBATIONERS RECEIVING SURRENDER NOTICES

NEW CRIMINAL CHARGES

Record the total number of probationers issued notices during this report month who were charged with a NEW CRIMINAL OFFENSE.

TECHNICAL VIOLATION

Record the total number of probationers issued notices during this report month who allegedly commited a TECHNICAL VIOLATION of the conditions of probation/terms of supervision.

TOTAL

Add the total number of probationers issued notices for NEW CRIMINAL CHARGES and for TECHNICAL VIOLATIONS.

PLEASE NOTE: If a probationer has been issued a surrender notice for a NEW CRIMINAL CHARGE as well as a surrender notice for a TECHNICAL VIOLATION, record him/her only under the NEW CRIMINAL CHARGE category.

V. BAIL REVIEWS

Record the total number of bail reviews heard during this report month in which a probation officer compiles investigative information.

VI. COLLECTIONS

Record the amount of money collected during this report month. Please round off to the nearest dollar amount (Example $25.49 becomes $25.00; $25.51 becomes $26.00).

SUPPORT

Record the total amount of money collected during this report month by the probation office on all court ordered civil/criminal support matters.

RESTITUTION	Record the total amount of money collected, during this report month, as restitution/reparation. Include in this category money collected for welfare fraud.
FINES AND SURFINES	Record the total amount of money collected during this report month, for FINES and SURFINES.
COURT COSTS	Record the total amount of money collected, during this report month, for COURT COSTS.
REDUCED COUNSEL FEE CHAPTER 351	Record the total amount of money collected during this report month, from individuals determined by the court to be able to pay a reduced counsel fee, under the provisions of Chapter 351 of the Massachusetts General Laws.
VICTIM/WITNESS FEE	Record the total amount of money collected during this report month from those defendants with convictions or findings of sufficient facts who were assessed a victim/witness fee under the provisions of Chapter 258B, of the Massachusetts General Laws.
OTHER	DO NOT use this section unless specifically instructed to do so by the Office of the Commissioner of Probation.
TOTAL COLLECTED	Record the total sum of the dollar amounts in the above categories.

MRPA/S - 1/87 - (Supercedes MRPA/S - 11/83)

OFFICE OF THE COMMISSIONER OF PROBATION
MONTHLY REPORT OF PROBATION ACTIVITIES

SUPERIOR COURT PROBATION OFFICE
DIVISION: _____

Month _____ Year _____
Court Number _____

This form must be received by the Research & Statistical Bureau, Office of the Commissioner of Probation, 1 Ashburton Place, Boston, MA 02108, by the 15th of each month.

I. RISK/NEED CASEFLOW

Carry Over	_____
New	_____
Terminated	_____
TOTAL	_____

II. RISK/NEED LEVEL OF SUPERVISION

Intensive	_____
Maximum	_____
Moderate	_____
Minimum	_____
TOTAL	_____

III. ADMINISTRATIVE SUPERVISION

Carry Over	_____
New	_____
Terminated	_____
TOTAL	_____

IV. PROBATIONERS RECEIVING SURRENDER NOTICES RE:

New Criminal Charges	_____
Technical Violations	_____
TOTAL	_____

V. BAIL REVIEWS

TOTAL _____

VI. COLLECTIONS

	Whole Dollar Amount
Support	_____.00
Restitution	_____.00
Fines/Surfines	_____.00
Court Cost	_____.00
Reduced Counsel Fee	_____.00
Victim/Witness Fee	_____.00
Other	_____.00
TOTAL COLLECTED	_____.00

Signature: _____

Chief Probation Officer or Probation Officer-in-Charge

OFFICE OF THE COMMISSIONER OF PROBATION
MANAGEMENT INFORMATION SYSTEM
INSTRUCTIONS FOR MONTHLY REPORT OF
PROBATION ACTIVITIES

For Probation Offices of the Probate & Family Court Department

These instructions shall be followed by all probation offices in the Probate & Family Court Department. The instructions refer to the Monthly Report of Probation Activities Form (MRPA/P-1/87). If there are any questions pertaining to either these instructions or the report form, please contact the Research & Statistical Bureau of the Office of the Commissioner of Probation, (617-727-5306-5307).

I. INVESTIGATIONS

An inquiry which attempts to determine the facts of the case by interviews, telephone calls, home visits, or other contacts; or the gathering of a particular range of information by a probation officer.

Upon completion, an investigation shall be in writing and should include the identification and current assessment of the issue(s), the relevant information pertaining thereto, a written summary and the probation officer's recommendation unless otherwise directed by the court.

COMPLETED

Record the total number of investigations completed by the probation office during this report month, whether or not the investigation originated during this report month.

II. MEDIATIONS

The process by which at least two litigants meet together in the presence of a probation officer for the purpose of identifying the area(s) of dispute so that a resolution can be presented to the court.

COMPLETED

Record the total number of mediations completed by the probation office during this report month, whether or not the mediation originated during this report month.

III. SUPPORT SUPERVISION	Those payors referred to the probation office for ongoing supervision of a court order for the collection of support payments.
CARRY OVER	Record the TOTAL number of payors from Section III of the previous report month.
NEW	Record the total number of new payors referred to the probation office during this report month.
TERMINATED	Record the total number of payors whose supervision has been terminated during this report month.
TOTAL	Record the total number of payors being supervised by the probation office as of the last day of this report month. This number is equal to the number of CARRY OVERS plus (+) the NEW CASES, minus (-) the TERMINATED.
IV. CONTEMPTS	A contempt is a legal action undertaken when one of the litigants disobeys a court order. A contempt may be filed by a probation officer or with a probation officer's assistance. Record only the number of new contempts filed during this report month on support supervision cases collected by the probation office and filed for the purpose of probation officer enforcement. PLEASE NOTE: Evidence of said filing will be a copy of the contempt complaint filed with the appropriate case folder material.
V. COLLECTIONS	Record the total amount of money collected during this report month. Please round off to the nearest dollar amount (Example $25.49 becomes $25.00; $25.51 becomes $26.00). Record the amount of support money collected within the Commonwealth (IN STATE) and the total amount of support money collected from OTHER STATES, broken down into the following categories: IV-D AFDC; IV-D Non-AFDC; Non IV-D.

IV-D AFDC	Record the total amount of support money collected during this report month which is paid to the Mass. Department of Public Welfare.
IV-D Non AFDC	Record the total amount of support money collected during this report month which is paid to individuals who are receiving services under the IV-D program.
Non-IV-D	Record the total amount of support money collected during this report month which is paid to individuals who are not receiving services under the IV-D program.

MRPA/P - 1/87 - (Supercedes MRPA/P - 11/83)

OFFICE OF THE COMMISSIONER OF PROBATION
MONTHLY REPORT OF PROBATION ACTIVITIES

PROBATE AND FAMILY COURT PROBATION OFFICE
DIVISION: _____

MONTH _____ YEAR ____
COURT NUMBER _____

This form must be received by the Research & Statistical Bureau, Office of the Commissioner of Probation, 1 Ashburton Place, Room 405, Boston, MA 02108, by the 15th of each month.

I. INVESTIGATIONS

COMPLETED _____

II. MEDIATIONS

COMPLETED _____

III. SUPPORT SUPERVISION

Carry Over _____
New _____
Terminated _____
TOTAL _____

IV. CONTEMPTS

TOTAL _____

V. COLLECTIONS

Whole Dollar Amount

	In State	Other States	TOTAL
IV-D AFDC	.00	.00	.00
IV-D NON AFDC	.00	.00	.00
NON IV-D	.00	.00	.00

Signature: _____

Chief Probation Officer or Probation Officer-in-Charge

OFFICE OF THE COMMISSIONER OF PROBATION
MANAGEMENT INFORMATION SYSTEM
INSTRUCTIONS FOR MONTHLY REPORT OF PROBATION ACTIVITIES

For Probation Offices of the District Court Department and the Boston Municipal Court Department.

These instructions shall be followed by all probation offices in the District Court Department and the Boston Municipal Court Department. The instructions refer to the Monthly Report of Probation Activities Form (MRPA/D - 1/87). If there are any questions pertaining to either these instructions or the report form, please contact the Research Department of the Office of the Commissioner of Probation, 617/727-5306-5307.

I. RISK/NEED CASEFLOW	This section applies to offenders supervised in accordance with the Risk/Need Classification System Only.
CARRY OVER	Record the TOTAL number of cases from Section I of the previous report month.
NEW CASES	Record all new/re-activated RISK/NEED classified cases which were completed and approved during this report month.
TERMINATED	Record all RISK/NEED classified cases in which supervision has been terminated during this report month. INCLUDE IN THIS FIGURE: Surrenders, which resulted in an individual being incarcerated, discharged from probation supervision or defaulted. Transfers, which resulted in an individual being transferred to another probation office for supervision.

TOTAL	Record the total number of individuals receiving RISK/NEED supervision as of the last day of this report month. This number is equal to the number of CARRY OVERS, plus (+) the NEW CASES, minus (-) the TERMINATED.
II. RISK/NEED LEVEL OF SUPERVISION	Include in this section all individuals under RISK/NEED supervision as of the last day of this report month. Record each individual in the column corresponding to the level of supervision as indicated on the RISK/NEED classification form or chronological supervision sheet. (Intensive, Maximum, Moderate, Minimum). PLEASE NOTE: The total number of individuals being supervised under Section II must equal the number of individuals being supervised under Section I, (RISK/NEED CASEFLOW).
III. DUIL/SUPPORT CASES	Include DUIL and SUPPORT cases which are not included in Section I.
CARRY OVER	Record the TOTAL of the DUIL and SUPPORT cases from Section III of the previous report month.
NEW CASES	Record all new/re-activated DUIL and SUPPORT cases for this report month, which are not included in Section I.
TERMINATED	Record all DUIL and SUPPORT cases not included in Section I, which have been terminated during this report month. INCLUDE IN THIS FIGURE: Surrenders, which resulted in an individual being incarcerated, discharged from probation supervision, or defaulted.
TOTAL	Record the total number of individuals under DUIL and SUPPORT supervision as of the last day of this report month. This number is equal to the number of CARRY OVERS, plus(+) the NEW CASES, minus(-) the TERMINATED.

IV.	PROBATIONERS RECEIVING SURRENDER NOTICES	
	NEW CRIMINAL CHARGES	Record the total number of probationers issued notices during this report month who were charged with a NEW CRIMINAL OFFENSE.
	TECHNICAL VIOLATION	Record the total number of probationers issued notices during this report month who allegedly committed a TECHNICAL VIOLATION of the conditions of probation/terms of supervision.
	TOTAL	Add the total number of probationers issued notices for NEW CRIMINAL CHARGES and for TECHNICAL VIOLATIONS. PLEASE NOTE: If a probationer has been issued a surrender notice for a NEW CRIMINAL CHARGE as well as a surrender notice for a TECHNICAL VIOLATION, record him/her only under the NEW CRIMINAL CHARGE category.
V.	COLLECTIONS	Record the total amount of money collected during this report month. Please round off to the nearest dollar amount (Example $25.49 becomes $25.00; $25.51 becomes $26.00).
	SUPPORT	Record the total amount of money collected during this report month by the probation office on all court ordered civil/criminal support matters with the exception of monies collected under chapter 209A and URESA.
	ABUSE PREVENTION ACT - CHAPTER 209A	Record the total amount of support money collected during this report month, under the provision of Chapter 209A of the Massachusetts General Laws.
	URESA RECEIVED FROM OTHER STATES	Record the total amount of money collected during this report month, FROM OTHER STATES under the Uniform Reciprocal Enforcement Support Act.

URESA PAID TO OTHER STATES	Record the total amount of money collected during this report month, from individuals in Massachusetts and paid TO OTHER STATES under the Uniform Reciprocal Enforcement Support Act.
RESTITUTION	Record the total amount of money collected, during this report month as restitution/reparation. Include in this category money collected for welfare fraud and restitution collected through voluntary agreements.
FINES/SURFINES/CMVI	Record the total amount of money collected, during this report month, by the probation office for FINES/SURFINES and assessments for CIVIL MOTOR VEHICLE INFRACTIONS (CMVI).
COURT COSTS	Record the total amount of money collected, during this report month, for COURT COSTS.
DUIL 24D COURT FEE	Record the total amount of money collected, during this report month for COURT FEES assessed on DUIL 24D cases. DO NOT include the Driver Alcohol Education program fee, which should be paid directly to the program by the offender.
VOLUNTARY AGREEMENTS (SUPPORT)	Record the total amount of support money collected during this report month by the probation office for which there was no court order to make such a collection.
REDUCED COUNSEL FEE CHAPTER 351	Record the total amount of money collected during this report month, from individuals determined by the court to be able to pay a reduced counsel fee, under the provisions of Chapter 351 of the Massachusetts General Laws.
VICTIM/WITNESS FEE	Record the total amount of money collected during this report month from those defendants with convictions or findings of sufficient facts who were assessed a victim/witness fee under the provisions of Chapter 258B, of the Massachusetts General Laws.

OTHER	DO NOT use this section unless specifically instructed to do so by the Office of the Commissioner of Probation.
TOTAL COLLECTED	Record the total sum of the dollar amounts in the above categories.
TITLE IV-D COLLECTIONS	Record the total amount of money collected during this report month for support payments that qualify as a Title IV-D collection. To qualify as IV-D one of the following requirements must be met: 1. The recipient is presently on AFDC; 2. The recipient is NOT on AFDC but has signed an "Application for IV-D Child Support Enforcement Services".
SUPPORT PAID TO THE MASS. DEPT. PUBLIC WELFARE	Record the total amount of support money paid to the Mass. Department of Public Welfare, during this report month.

MRPA/D - 1/87 (Supercedes MRPA/D -11/83)

OFFICE OF THE COMMISSIONER OF PROBATION
MONTHLY REPORT OF PROBATION ACTIVITES

DISTRICT/BOSTON MUNICIPAL COURT PROBATION OFFICE MONTH_____ YEAR_____
DIVISION: _____ Court Number_____

This form must be received by the Research & Statistical Bureau, Office of the Commissioner of Probation, 1 Ashburton Place, Room 405, Boston, MA 02108, by the 15th of each month.

I. RISK/NEED CASEFLOW

Carry Over	_____
New	_____
Terminated	_____
TOTAL	_____

II. RISK/NEED: LEVEL OF SUPERVISION

Intensive	_____
Maximum	_____
Moderate	_____
Minimum	_____
TOTAL	_____

III. DUIL/SUPPORT CASES

	DUIL	SUPPORT
Carry Over	_____	_____
New	_____	_____
Terminated	_____	_____
TOTAL	_____	_____

IV. PROBATIONERS RECEIVING SURRENDER NOTICES RE:

New Criminal Charges	_____
Technical Violations	_____
TOTAL	_____

V. COLLECTIONS

	Whole Dollar Amount
Support	_____.00
Abuse Prevention Act	_____.00
URESA-FROM other states	_____.00
URESA-TO other states	_____.00
Restitution	_____.00
Fines/Surfines/CMVI	_____.00
Court Costs	_____.00
DUIL 24D Court Fee	_____.00
Vol. Agrmt. (Support)	_____.00
Reduced Counsel Fee	_____.00
Victim/Witness Fee	_____.00
Other	_____.00
TOTAL COLLECTED	_____.00
Title IV-D Collections	_____.00
Support Paid to DPW	_____.00

Signature:_____
Chief Probation Officer or Probation Officer-in-Charge

OFFICE OF THE COMMISSIONER OF PROBATION
MANAGEMENT INFORMATION SYSTEM
INSTRUCTIONS FOR MONTHLY REPORT OF PROBATION ACTIVITIES

For Juvenile Probation Offices of the Juvenile and District Court Departments

These instructions shall be followed by all juvenile probation offices in the Juvenile Court Department and the District Court Department. These instructions refer to the Monthly Report of Probation Activities Form (MRPA/J - 1/87). If there are any questions pertaining to either these instructions or the report form, please contact the Research Department of the Office of the Commissioner of Probation, (617) 727-5306-5307.

I. RISK/NEED CASEFLOW	This section applies to offenders supervised in accordance with the Risk/Need Classification System Only.
CARRY OVER	Record the TOTAL number of cases from Section I of the previous report month.
NEW CASES	Record all new/re-activated RISK/NEED classified cases which were completed and approved during this report month.
TERMINATED	Record all RISK/NEED classified cases in which supervision has been terminated during this report month. INCLUDE IN THIS FIGURE: Surrenders, which resulted in an individual being incarcerated, discharged from probation supervision or defaulted. Transfers, which resulted in an individual being transferred to another probation office for supervision.

TOTAL	Record the total number of individuals receiving RISK/NEED supervision as of the last day of this report month. This number is equal to the number of CARRY OVERS, plus (+) the NEW CASES, minus (-) the TERMINATED.
II. RISK/NEED LEVEL OF SUPERVISION	Include in this section all individuals under RISK/NEED supervision as of the last day of this report month. Record each individual in the column corresponding to the level of supervision as indicated on the RISK/NEED classification form or chronological supervision sheet. (Intensive, Maximum, Moderate, Minimum). PLEASE NOTE: The total number of individuals being supervision under Section II must equal the number of individuals being supervised under Section I, RISK/NEED CASEFLOW).
III. PROBATIONERS RECEIVING SURRENDER NOTICES	
NEW DELINQUENCY CHARGE	Record the total number of probationers issued notices during this report month who are charged with a NEW DELINQUENCY OFFENSE.
TECHNICAL VIOLATION	Record the total number of probationers issued notices during this report month who allegedly committed a TECHNICAL VIOLATION of the conditions of probation/terms of supervision.
TOTAL	Add the total number of probationers issued notices for NEW DELINQUENCY CHARGES and for TECHNICAL VIOLATIONS.

PLEASE NOTE: If a probationer has been issued a surrender notice for a NEW DELINQUENCY CHARGE as well as a surrender notice for a TECHNICAL VIOLATION, record him/her only under the NEW DELINQUENCY CHARGE category.

IV. CHINS CASEFLOW

Include in this section all juveniles receiving CHINS services from the probation office. Include all juveniles who have had an application filed in their behalf and are receiving CHINS services on an informal basis as well as all juveniles who are receiving CHINS services on a formal basis.

CARRY OVER

Record the TOTAL number of CHINS cases from Section IV of the previous report month.

NEW CASES

Record all juveniles who began receiving CHINS service during this report month.

TERMINATED

Record all juveniles whose CHINS services were terminated during this report month.

TOTAL

Record the total number of juveniles receiving CHINS services as of the last day of this report month. This number is equal to the number of CARRY OVERS, plus (+) the NEW CASES, minus (-) the TERMINATED.

V. CARE & PROTECTION PETITIONS

Record the total number of petitions filed for this report month for each family making an initial court appearance.

PLEASE NOTE: To avoid duplication record only one petition per family regardless of whether the petition represents one child or ten children within the family unit. DO NOT include as petitions those situations where children are before the court for hearings, continuances or reviews after an initial court appearance.

VI. DYS COMMITMENTS	Record the total number of individuals committed to the Department of Youth Services (DYS) during this report month.
VII. TRANSFER HEARINGS	Transfer Hearings are held to determine if a juvenile should be tried as an adult on a criminal complaint charge, and bound over to a Superior Court.
HEARINGS HELD	Record the total number of juveniles who appeared before the court for a transfer hearing during this report month, regardless of the outcome of those hearings.
BINDOVERS	Record the total number of juveniles who as a result of a transfer hearing, were bound over to the Superior Court during this report month.
VIII. COLLECTIONS	Record the amount of money collected during this report month. Please round off to the nearest dollar amount (Example $25.49 becomes $25.00; $25.51 becomes $26.00).
RESTITUTION	Record the total amount of money collected, during this report month as restitution/reparation. Include in this category restitution collected through voluntary agreements.
FINES/SURFINES/CMVI	Record the total amount of money collected, during this report month, by the probation office for FINES/SURFINES and assessments for CIVIL MOTOR VEHICLE INFRACTIONS (CMVI).
COURT COSTS	Record the total amount of money collected, during this report month, for COURT COSTS.

VOLUNTARY AGREEMENTS	Record the total amount of money collected during this report month by the probation officer for which there was no court order to make such a collection.
REDUCED COUNSEL FEE CHAPTER 351	Record the total amount of money collected during this report month, from individuals determined by the court to be able to pay a reduced counsel fee, under the provisions of Chapter 351 of the Massachusetts General Laws.
VICTIM/WITNESS FEE	Record the total amount of money collected during this report month from those defendants with convictions or findings of sufficient facts who were assessed a victim/witness fee under the provisions of Chapter 258B, of the Massachusetts General Laws.
OTHER	DO NOT use this section unless specifically instructed to do so by the Office of the Commissioner of Probation.
TOTAL COLLECTED	Record the total sum of the dollar amounts in the above categories.
IX. INDIVIDUALS ARRAIGNED	Include each individual who has been arraigned during this report month. Include juveniles arraigned on delinquency charges and adults arraigned in Juvenile Court. PLEASE NOTE: Jury of Six Courts DO NOT include Jury of Six appearances in this section.
X. JURY OF SIX	This section is to be completed only by those courts designated as JURY OF SIX.
INITIAL APPEARANCE	Record the total number of INITIAL APPEARANCES by an individual during this report month. AN INITIAL APPEARANCE will result from a First Instance Jury Trial request or a DeNova Appeal.

MRPA/J - 1/87 - (Supercedes MRPA/J - 11/83)

OFFICE OF THE COMMISSIONER OF PROBATION
MONTHLY REPORT OF PROBATION ACTIVITIES

JUVENILE PROBATION OFFICE
DIVISION: _____

MONTH _____ YEAR _____
Court Number _____

This form must be received by the Research & Statistical Bureau, Office of the Commissioner of Probation, 1 Ashburton Place, Room 405, Boston, MA 02108, by the 15th of each month.

I. RISK/NEED CASEFLOW

Carry Over	_____
New	_____
Terminated	_____
TOTAL	_____

II. RISK/NEED: LEVEL OF SUPERVISION

Intensive	_____
Maximum	_____
Moderate	_____
Minimum	_____
TOTAL	_____

III. PROBATIONERS RECEIVING SURRENDER NOTICES RE:

New Delinquency Charges	_____
Technical Violations	_____
TOTAL	_____

IV. CHINS CASEFLOW

Carry Over	_____
New	_____
Terminated	_____
TOTAL	_____

V. CARE & PROTECTION PETITIONS

Initial Petitions Filed _____

VI. DYS COMMITMENTS

TOTAL _____

VII. TRANSFER HEARINGS

Hearings held	_____
Bindovers	_____

VIII. COLLECTIONS

	Whole Dollar Amount
Restitution	_____.00
Fines/Surfines/CMVI	_____.00
Court Costs	_____.00
Vol. Agreements	_____.00
Reduced Counsel Fee	_____.00
Victim/Witness Fee	_____.00
Other	_____.00
TOTAL COLLECTED	_____.00

IX. INDIVIDUALS ARRAIGNED

TOTAL _____

X. JURY OF SIX INITIAL APPEARANCE

TOTAL _____

Signature: _____

Chief Probation Officer or Probation Officer-in-Charge

Standard to Establish and Maintain a Domestic Violence Record Keeping System, Including a Registry of All Civil Vacate, Restraining, Protective and Abuse Prevention Orders

For

Probation Offices of the
District Court Department
Boston Municipal Court Department
Probate and Family Court Department
and the
Superior Court Department

MASSACHUSETTS TRIAL COURT
OFFICE OF COMMISSIONER OF PROBATION
ONE ASHBURTON PLACE
BOSTON, MA 02108-1612

DONALD COCHRAN
COMMISSIONER

(617) 727-5300

STANDARD TO ESTABLISH AND MAINTAIN A DOMESTIC VIOLENCE RECORD KEEPING SYSTEM, INCLUDING A REGISTRY OF ALL CIVIL VACATE, RESTRAINING, PROTECTIVE AND ABUSE PREVENTION ORDERS

FOR

PROBATION OFFICES OF THE
DISTRICT COURT DEPARTMENT
BOSTON MUNICIPAL COURT DEPARTMENT
PROBATE & FAMILY COURT DEPARTMENT
AND THE
SUPERIOR COURT DEPARTMENT

Pursuant to Massachusetts General Laws, Chapter 276, Section 99 and 100 as amended, the following standard, instructions and forms, approved by the Chief Administrative Justice of the Massachusetts Trial Court are hereby established by the Commissioner of Probation, effective September 8, 1992.

8/25/92
Date

Donald Cochran
Donald Cochran
Commissioner

STANDARD TO ESTABLISH AND MAINTAIN A DOMESTIC VIOLENCE RECORD KEEPING SYSTEM, INCLUDING A REGISTRY OF ALL CIVIL VACATE, RESTRAINING, PROTECTIVE AND ABUSE PREVENTION ORDERS issued pursuant to MGL Chap 208, Sec 18 & 34B; C. 209, Sec 32; C.209A, Sec 3&4; C. 209C, Sec 15 & 20.

The purpose of this standard is:

1. To ensure accurate, relevant and reliable information is developed and made available to assist the court when considering Domestic Relations Restraining and Protective Orders and/or C. 209A Abuse Prevention Complaints

2. To ensure such information is accessible to all law enforcement agencies through the Criminal Justice Information System maintained by the Executive Office of Public Safety

I STANDARD: Effective September 8, 1992 all Civil Vacate, Restraining, Protective and/or all Abuse Prevention Orders shall be entered, updated where necessary, and permanently maintained in a **Registry of Civil Restraining, Protective and Abuse Prevention Orders.**

II IMPLEMENTATION PROCEDURES

A The Chief Probation Officer* shall establish procedures to ensure all domestic relations restraining, protective and abuse prevention orders are entered into the **Registry on day of issue by the court**.

B The Chief Probation Officer shall establish procedures to ensure any modification of an existing order is **updated** in the **Registry on the same day as the modification** was allowed by the court.

C The Chief Probation Officer shall establish procedures to make available for the court's examination all information developed from a search of the

1. **Registry of Civil Restraining, Protective and Abuse Prevention Orders** to determine the existence of any past or pending civil action relating to domestic violence that has been placed against the named respondent/defendant.

2. **Court Activity Record Information** system to determine the existence of any past or pending criminal court action(s) relating to domestic or other violence that have been placed against the named respondent/defendant.

Copies of the information developed under 1 and 2 above shall be delivered to the Clerk Magistrate/Register of Probate for inclusion in the documents being prepared for the court's consideration when a restraining, protective and/or Abuse Prevention Order is sought.

COMMENTARY:

The Chap. 209A Complaint Application form, revised 7/92, has been designed to expedite the collection of key identifying data needed for the automated file search of the named defendant's civil or criminal record involving domestic or other violence.

Once the "Probation Copy" of the Complaint Application form (FA-1) is received from the Clerk Magistrate/Register's office, the identifying defendant information recorded in part 8 shall be used to determine whether the named defendant has a civil or criminal record involving domestic or other violence.

All identifying and other pertinent information which is to be entered and maintained in the **Registry** will be found recorded on the "Probation Copy" of the FA-2 Abuse Prevention Order. (7/92)

Procedures should exist to ensure the confidentiality of CARI records in the transmittal of information for a 209A or other such hearing where a domestic relations restraining or protective order is sought.

A Data Entry Manual for the recording and retrieval of Restraining, Protective and Abuse Prevention Order information has been developed and accompanies the promulgation of this standard.

All offenders convicted of a criminal violation of Restraining, Protective or Abuse Prevention Order, issued in accordance with the applicable provisions of either G.L.C. 208 or 209, or convicted under section 43A of Chap. 265 of the Stalking Law and who have been placed under probation office supervision shall be supervised according to all applicable requirements set forth in the offender Supervision Standard promulgated by the Office of the Commissioner of Probation, January, 1989.

* The responsibilities set forth in this standard as applicable to the Chief Probation Officer shall, in the instance of a one person office, be applicable to the Probation Officer - in - Charge.

OFFICE PROCEDURES

Standards for Certain Office Procedures for the Probation Offices of the Superior Court Department, Probate and Family Court Department, District Court Department, Boston Municipal Court Department and the Juvenile Court Department

STANDARDS FOR CERTAIN OFFICE PROCEDURES

FOR THE PROBATION OFFICES OF THE

SUPERIOR COURT DEPARTMENT

PROBATE AND FAMILY COURT DEPARTMENT

DISTRICT COURT DEPARTMENT

BOSTON MUNICIPAL COURT DEPARTMENT

AND THE

JUVENILE COURT DEPARTMENT

These standards, rules, procedures and forms were reviewed initially by the Chief Justices of the Superior Court Department, the Probate and Family Court Department, the District Court Department, the Boston Municipal Court Department and the Juvenile Court Department.

Pursuant to General Laws, Chapter 276, Section 99, as amended, the following standards, rules, procedures and forms, approved by the Chief Administrative Justice of the Trial Court, are hereby established by the Commissioner of Probation, effective November 1, 1983.

August 23, 1983

Commissioner of Probation

ACKNOWLEDGEMENT

Recognition and appreciation are given to the members of the Office Procedures Standards Task Force who diligently worked to provide proposed standards for procedures to be used in local offices. Recognition and appreciation are extended also to the Chief Probation Officers and Assistant Chief Probation Officers of the Hampshire Superior Court, the Suffolk Probate and Family Court, the Worcester Juvenile Court and the Dorchester, Fall River and Gloucester Divisions of the District Court Department. Within a limited time, they began implementation of the standards and provided experiential recommendations.

STANDARDS FOR CERTAIN OFFICE PROCEDURES

FOR THE PROBATION OFFICES OF THE

SUPERIOR COURT DEPARTMENT

PROBATE AND FAMILY COURT DEPARTMENT

DISTRICT COURT DEPARTMENT

BOSTON MUNICIPAL COURT DEPARTMENT

AND THE

JUVENILE COURT DEPARTMENT

STATEMENT OF PURPOSE

The purpose of these standards*, rules, procedures and forms is to effect certain uniform practices in and efficient administration of all probation offices.

1:00 STATEMENT OF ROLES

The Chief Probation Officer** is responsible for implementing, monitoring and maintaining these standards governing certain probation office procedures established by the Commissioner of Probation and such rules and directives of other authority as they pertain to probation office procedures.

The First Assistant Chief Probation Officer is responsible for performing those functions, with respect to these standards, that are delegated to him/her by the Chief Probation Officer.

The Assistant Chief Probation Officer, under the direction of the Chief Probaton Officer, is responsible for training and supervising the probation officers in the implementation of these standards governing certain probation office procedures.

All Probation Office personnel are responsible for carrying out certain probation office procedures, as set forth in these standards or as assigned.

* For the purpose of these Standards, "standards" shall hereinafter refer to standards, rules, procedures, and forms.

** The responsibility set forth in these standards as applicable to the Chief Probation Officer shall be applicable to the Probation Officer in Charge, the Person in Charge and the Probation Officer in the Nantucket Division.

2:00 TASK ASSIGNMENT

2:01 The Chief Probation Officer shall schedule and assign probation office tasks unless otherwise directed by the court. These tasks shall include but not be limited to:

1. personnel supervision;
2. investigation;
3. case supervision;
4. mediation;
5. support collection;
6. court room coverage;
7. office coverage;
8. record keeping;
9. security;
10. statistics collection.

2:02 The Chief Probation Officer shall be responsible for insuring that scheduled operating hours of the probation office are maintained.

2:03 The Chief Probation Officer shall assign staff coverage for the probation office during operating hours.

2:04 The Chief Probation Officer shall assign overall responsibility for office operations during his/her absence from the office, unless otherwise directed by the court.

2:05 The Chief Probation Officer shall be responsible for insuring that probation personnel, when not in the office during operating hours, are on approved probation business.

(Standards 2:06 through 2:09 are not applicable to probation offices in the Probate and Family Court Department.)

2:06 The Chief Probation Officer shall establish and maintain a Master Assignment System for all cases assigned to probation officer supervision.

2:07 The Master Assignment System shall incorporate the following information:

a. The name of the offender;
b. The date of disposition;
c. The most serious offense and disposition;
d. The probation officer assigned;
e. The type of supervision;
f. A comments section (to record those cases transferred in from another court/office, those received back from the Jury of Six session, and other information believed to be pertinent to case assignment).

2:08 The Assistant Chief Probation Officer,* under the direction of the Chief Probation Officer, shall be responsible for maintaining a Case Supervision System for all cases, Risk/Need and Administrative, assigned to each probation officer under his/her supervision.

2:09 The Case Supervision System shall incorporate the following information:

a. The name of the offender;
b. The date of disposition;
c. The probation officer assigned;
d. The most serious offense and furthest termination date;
e. The type of supervision and level of Risk/Need supervision during the current assessment period;
f. The post-disposition check off, where applicable;
g. The due date for the initial Risk/Need assessment or the Administrative Supervision plan, including review by the Assistant Chief Probation Officer;
h. The due date for the Risk/Need reassessments and Administrative Supervision reviews, including the review by the Assistant Chief Probation Officer;
i. The due date for the Assistant Chief Probation Officer review of the termination recommendation;
j. A comments section (to record special conditions of probation such as restitution or support orders, defaults, surrenders, etc.).

commentary:

As manager, the Chief Probation Officer exercises caseflow control within the office. The intent of the Master Assignment and Case Supervision Systems is to provide management instruments for the CPO to insure that the following are maintained:

1. The timely assignment of all probation officer supervision cases;
2. The development of management information regarding caseflow;
3. A reliable data base for the caseload supervision section of the Monthly Report of Probation Activity.

*In offices where there is no Assistant Chief Probation Officer, the Chief Probation Officer becomes responsible for the respective task.

The Assistant Chief Probation Officer supervises and trains those probation officers assigned to him/her. The Master Assignment and Case Supervision Systems make the following possible for him/her:

1. To track all due dates for the Assistant Chief Probation Officers's review of the Risk/Need and Administrative Supervision Cases;
2. To identify and provide certain supervision data for all offenders assigned to each of the probation officers responsible to the Assistant Chief Probation Officer;
3. To provide case profile data and assessment/review reports to the Chief Probation Officer;
4. To develop the monthly statistics for Risk/Need and Administrative Supervision cases.

In probation offices with no Assistant Chief Probation Officer, the Chief Probation Officer must exercise control of caseflow and case supervision. He/she would use only the Case Supervision System to manage and record both of these functions.

In addition to the cases defined in Standards 2:06 and 2:08, the CPO should insure that the following are included in the Master Assignment and Case Supervision Systems:

1. Those cases that are transferred in for probation officer supervision from another court/probation office under the Standards for Intra-State Transfer of Supervision;
2. Those cases that are transferred for probation officer supervision from outside the Commonwealth under the Interstate Compact;
3. Those cases that are received back for supervision from a Jury of Six session to the primary court for probation officer supervision.

Those probation officer supervision cases (excluding Jury of Six cases) that are transferred to another court/probation office, either within or outside the Commonwealth, are to be logged separate and apart from the above systems, and the due dates for quarterly reports and termination recommendations for these cases are to be recorded. (An exception to this would be the Superior Court Department where the sending court has no further responsibility after the case has been transferred to another Superior Court probation office in the Commonwealth).

To comply with Standards 2:06 through 2:09 it may be necessary to use one of the suggested Master Assignment and/or Case Supervision Systems in the Appendix. In those probation offices in which a Master Assignment or Case Supervision System that addresses the requirements of Standards 2:06 through 2:09 is already in place, such systems may continue to be employed.

3:00 PROBATION RECORD INFORMATION AND PROBATION CASE FOLDERS

(Standards 3:01 through 3:06 are not applicable to probation offices in the Probate and Family Court Department)

General Responsibility

3:01 The Chief Probation Officer shall be responsible for the maintenance of all probation record information and probation case folders as required by the Commissioner of Probation.

Probation Record Information

3:02 A permanent probation record card shall be maintained for all persons/corporations appearing before the court on criminal/delinquency complaints, CHINS/Care and Protection petitions, and any other complaints/petitions in accordance with directives from the Commissioner of Probation.

3:03 The probation record card shall contain all court appearances before the local court including the docket numbers and the offenses/petitions and shall be kept current.

3:04 The Chief Probation Officer, in the event of the arraignment on new criminal/delinquency complaints of an offender currently being supervised by another probation office, shall cause written notice of such arraignment to be sent to that probation office.

Probation Case Folders

3:05 A probation case folder shall be maintained for each person assigned to Risk/Need Supervision and for each person whose case is assigned to Adminstrative Supervision for a period of 6 months or longer.

3:06 The probation case folder shall include at a minimum the following:

a. The Pre-Trial or Juvenile Intake Report;
b. The Conditions of Probation or Terms of Supervision;
c. The Chronological Supervision Sheet (s).

Where applicable, the case folder shall also include the following:

d. The Probation Record Sheet, where such is maintained;
e. The Pre-Sentence Investigation or Juvenile Investigation/ Inquiry Report;
f. The Post-Disposition Investigation or Juvenile Investigation Report;
g. The Risk and Needs/Strengths Classification forms;
h. The Consent for Release of Information form;
i. The Jury of Six transmittal package;
j. A copy of the IV-D application;
k. All correspondence and reports relevant to the court appearances and supervision of the offender.

commentary:

Probation record information is permanently retained. Additional probation record information of court appearances in other jurisdictions is also to be retained.

The probation case folder is required to preserve the history and record of the offender's court appearances, response to court orders and probation supervision outcomes. As such the probation case folder information may be destroyed only under such terms set forth by the Commissioner of Probation, at the direction of the Chief Administrative Justice, as described in the Destruction of Case Folder Information Memorandum dated January 12, 1981. See O.C.P. Administrative Bulletin 81-1.

4:00 MANAGEMENT OF INFORMATION

A. Trial Court Administrative Information

4:01 All administrative directives and standards, promulgated by the Commissioner of Probation, that are current and in effect, shall be kept by the Chief Probation Officer and be available to the probation office staff.

4:02 Administrative directives and standards, promulgated by other authority, that are currently in effect and relate to the probation service, shall be kept by the Chief Probation Officer and be available to the probation office staff.

4:03 Administrative directives and standards, that affect job responsibilities of the probation office staff or are pertinent to Trial Court employees, shall be distributed by the Chief Probation Officer to appropriate probation office personnel.

4:04 The Chief Probation Officer shall insure by employee signature that information described in Standard 4:03 is received and reviewed by the probation staff.

B. Local Probation Office Administrative Information

4:05 The Chief Probation Officer, upon receipt of written directives and procedures established by the court, shall distribute, where applicable, such information to appropriate probation office personnel.

4:06 The Chief Probation Officer shall disseminate to the appropriate probation office staff the directives and procedures, that he/she may establish, pertaining to the operation of the local probation office.

4:07 The Chief Probation Officer shall insure by employee signature that information, described in Standards 4:05 and 4:06, is received and reviewed by the probation staff.

4:08 All directives/procedures, established by the court or the Chief Probation Officer, that are current and in effect, shall be kept by the Chief Probation Officer and made available to members of the probation staff.

C. Official Manual of the Massachusetts Probation Service

4:09 The Chief Probation Officer shall insure that a copy of the Official Manual of the Massachusetts Probation Service is assigned to each Probation Officer.

commentary: As the Probation Manual is assigned to the Probation Officer position and not to the individual probation officer, the probation officer, upon termination of his/her employment, must return the manual to the Chief Probation Officer. If a new position is established in an office, the Chief Probation Officer should request an additional Probation Manual from the Regional Probation Administrator when the position is filled.

4:10 The Chief Probation Officer shall insure that additions to the Probation Manual and notice of deletions, as directed by the Commissioner of Probation, are received by each probation officer.

4:11 The probation officer shall keep his/her Probation Manual current, updating, as directed, the standards, rules, procedures, forms and directives that are promulgated by the Commissioner of Probation.

commentary: To aid in the implementation of Standards 4:10 and 4:11 a suggested Manual Inserts Receipt form and a Manual Maintenance Checklist are found in the Appendix.

D. Suspense System and Probation Day Sheet
(Standards, 4:12 through 4:15, are not applicable to probation offices in the Superior or Probate and Family Court Departments)

4:12 The Chief Probation Officer shall establish a Suspense System to identify, on any date, those cases scheduled to appear before the court in the subsequent 30 day period.

4:13 The Chief Probation Officer shall develop and maintain a Probation Day Sheet to record all persons scheduled to appear before the court on criminal/delinquency complaints and CHINS, Care and Protection and other petitions or persons whose cases are scheduled for some court action on that date.

4:14 The Probation Day Sheet shall contain at a minimum the following:

a. The docket number;
b. The name of the person appearing before the Court;
c. The complaint/petition;
d. The attorney status;
e. The stage of the proceeding;
f. The disposition;
g. The initials of the probation officer recording the entry.

4:15 The Probation Day Sheet shall be retained for one (1) year.

commentary:

The Suspense System, Standard 4:12. is required:

1. To provide the Chief Probation Officer with advance knowledge of upcoming cases.

2. To identify for probation officers their supervision cases that are scheduled to appear before the court during the following 30 day period.

3. To furnish the information necessary for the preparation of the Probation Day Sheet or to provide verification of cases with complaints/petitions docketed by the Clerk Magistrate.

To comply with Standard 4:12, it may be necessary to refer to the Appendix. In those probation offices in which a Suspense System that addresses the requirements of Standard 4:12 is already in place, such system may continue to be employed.

Standard 4:13, the Probation Day Sheet, promotes uniform practices in the recording of daily court activity. It is an aid in insuring the following:

1. The development of a one source information bank of all new active cases and cases going to inactive status;

2. The assignment of all probation officer supervision cases;

3. The recording of offender record information by support staff;

4. The accessibility of certain statistical information for preparation of the Monthly Report of Probation Activity;

5. The retrieval of information that may be required from time to time by the Commissioner of Probation or other authority, by the court, or by the Chief Probation Officer in his/her management of the local office.

The Chief Probation Officer may utilize a Clerk Magistrate's court list, if such is available, and add to it, if necessary, the information in Standard 4:14 in order to satisfy the requirements of the Probation Day Sheet. In the absence of such prepared court list, or if the Chief Probation Officer so elects, a suggested Probation Day Sheet is contained in the Appendix.

NOTE: Although Standards 4:12 through 4:15 are not applicable in the Superior Court Department, the Chief Probation Officer in the Superior Court should insure that all cases disposed of by the court on a given day are recorded on his/her disposition list.

E. Regional Chiefs Meetings

4:16 The Chief Probation Officer shall attend regional chiefs meetings as scheduled by the Office of the Commissioner of Probation.

> **commentary:** Where the Chief Probation Officer is on authorized leave, he/she should designate the Assistant Chief Probation Officer or other probation officer personnel to attend so there is no break in the flow of information between OCP and the probation offices.

F. Request for Transmittal of Information

4:17 Upon notice of a request from the Office of the Commissioner of Probation for transmittal of certain record and probation office management information, the Chief Probation Officer shall cause such information to be collected and respond to the request within the required time period.

> **commentary:** Past experience has been that it can take up to 5 days for arrival of mail to OCP. Chief Probation Officers should act accordingly; for example, the monthly report of probation activities must be in the mail on the 10th of the month to assure OCP receipt by the 15th.

G. Inventory Control

4:18 Upon notice from the Office of the Commissioner of Probation, the Chief Probation Officer shall be responsible for conducting annually a needs assessment of those probation office forms furnished by the Office of the Commissioner of Probation. Based on such assessment, he/she shall requisition such forms needed for the next year and submit such requisition within the required time period.

> **commentary:** Submission of the requisition within the response time insures its inclusion in the OCP printing order.

H. Personnel Status Changes

4:19 The Chief Probation Officer shall give written notice to the Office of the Commissioner of Probation of status changes of probation officer personnel, to wit: resignations, retirements, leaves of absence without pay, name changes and deaths.

I. Identification Cards

4:20 The Chief Probation Officer shall insure that each probation officer receives a Massachusetts Probation Service Identification Card.

5:00 RELEASE OF INFORMATION

A. Release of Offender Record Information (Adult and Juvenile)

5:01 The Chief Probation Officer shall insure that all probation office personnel receive a copy of Massachusetts General Laws, Chapter 6, Sections 177 and 178 and sign the Statement of Non-Disclosure. Said signed statements shall be retained by the Chief Probation Officer.

> **commentary:** For copies of the statute and Statement of Non-Disclosure, refer to OCP Administrative Bulletin 78-3.

5:02 Volunteers, students, federally funded workers, vendors and/or consultants who have or may have access to offender record information shall be subject to the requirements of Standard 5:01. Said signed statements shall be retained by the Chief Probation Officer.

5:03 The Chief Probation Officer shall establish a written policy to insure that sealed probation record information is unsealed only according to the current applicable statutory provisions and that said probation record information is resealed immediately after its authorized use.

(Standard 5:04 is not applicable to the probation offices in the Superior or Probate and Family Court Departments.)

5:04 The Chief Probation Officer, upon notification of the defendant/juvenile's petition for review of bail, shall provide the Clerk Magistrate's office with an updated copy of the criminal/delinquency record to be included with the court papers transmitted to the Superior Court Department.

B. Release of Probation Case Folder Information

5:05 The Chief Probation Officer shall establish written procedures for probation officers to obtain the signed consent of an offender to release his/her case folder information. Said information shall be released to a specified person or agency and the purpose for the release of information shall be noted on the consent form.

5:06 The Chief Probation Officer or his/her designee, shall process all requests by the offender for release of probation case folder information and shall review such case folder. If, in the opinion of the Chief Probation Officer or his/her designee, the release of this information or any part of it may result in harm or injury to any person, such information shall be withheld. All such requests and actions taken shall be reported to the court.

commentary:

Standard 5:05 refers to the dissemination of an offender's case folder information to a person/agency being asked to provide services for the offender. While not necessarily a prerequisite to the release of such information, it is deemed good practice for the offender to be asked to sign a consent for the dissemination. This insures that the offender is aware that certain information is being released, the purpose for the release, and the person/agency receiving the information. Whether the information is given verbally or in written form, the person/agency should be cautioned that the information is not to be further disclosed to any other party.

If the offender is a juvenile, the parent/guardian should also sign the consent form.

Where the offender, adult or juvenile, or the parent/guardian refuse to sign the consent form, such refusal should be documented in the case folder.

A Consent for the Release of Information form is included in the Appendix and may be used to meet the minimum requirements of Standard 5:05.

In Standard 5:06, the expectation is that the Chief Probation Officer and the court will establish the procedure by which the court indicates his/her review of the action taken by the Chief Probation Officer prior to the release of case folder information.

With respect to the Probate & Family Court Department, the attorney/litigant may request permission of the court to review reports from specified consultants/agencies. The release of such information must be authorized by the court. Such authorization must be noted in the probation case folder.

The request for Probation Case Folder information, in the Appendix, may be used to implement Standard 5:08

6:00 SECURITY ADMINISTRATION

6:01 The Chief Probation Officer shall insure that all probation record information, including probation record cards and/or probation record sheets are maintained in a secure area.

6:02 The Chief Probation Officer shall insure that probation case folders are maintained in a secure area.

6:03 The Chief Probation Officer shall insure that probation record information and the contents of probation case folders are accessible within the court house or building for the use of the court or other authorized personnel.

6:04 The Chief Probation Officer shall insure that all sealed record information and sealed probation case folders are maintained in a central secure area; and that such sealed records and folders are stored in a locked enclosure separate and apart from other probation record information, or other probation case folders.

6:05 The Chief Probation Officer shall insure that probation personnel files are maintained in a central secure area, and stored in a locked enclosure under the direct control of the Chief Probation Officer or his/her designee.

6:06 The Chief Probation Officer shall insure the following with regard to the use of probation personnel files:

1. That a personnel file is removed from the enclosure with the approval of the Chief Probation Officer;
2. That the contents of a personnel file be shown only to authorized persons with the approval of the Chief Probation Officer;
3. That whenever the content of a personnel file is disclosed to an authorized person a log be kept recording the following information:

   a. the date;
   b. the signature of the authorized person releasing the file;
   c. the reason for the disclosure;
   d. where applicable, a description of the material reproduced;
   e. the signature of the party to whom the file was disclosed.

   note: Standards 6:05 and 6:06 are applicable when the Chief Probation Officer has been designated "department head" or has custody of the personnel files.

6:07 The Chief Probation Officer shall insure that all monies (cash, check, money order, etc.) received and on hand, bookkeeping ledgers, and check writing systems are maintained in a secure area and stored in an enclosure. Such enclosure shall be locked at the conclusion of every business day.

6:08 The Chief Probation Officer shall insure that secure areas are attended by authorized personnel at all times during business hours or, when unattended, that such areas be locked.

commentary:

For the purpose of Standards 6:01 through 6:08, a "secure area" is defined as an area with both access and control limited to authorized personnel, such area having the capability of being locked when unattended.

For the purpose of Standards 6:01 through 6:08 an "enclosure" is defined as a structure such as a file cabinet, vault, safe or the like, which is capable of being locked, and which is maintained in a secure area.

The intent of Standard 6:03 is to insure both confidentiality and accessibility. The removal of probation record information and/or the contents of probation case folders from the court house or from the building where they are maintained should be only with the authorization of the Chief Probation Officer, with specific provisions for the timely return of those materials. Such removal must not interfere with accessibility to those materials by the court or other authorized personnel.

The provisions of Standard 6:04 are intended to be interpreted in conjunction with, and in no way contradictory to, current applicable statutory provisions, administrative regulations and/or bulletins of any administrative justice of the Trial Court relating to the sealing of probation record information and/or probation case folders.

The provisions of Standards 6:05 and 6:06 are intended to be interpreted in conjunction with, and in no way contradictory to applicable provisions of the current Personnel Policies and Procedures Manual of the Massachusetts Trial Court, and the applicable provisions of any current controlling collective bargaining agreement.

7:00 STAFF DEVELOPMENT

7:01 The Chief Probation Officer shall be responsible for the development and implementation of a training program for local office orientation of newly appointed probation officers.

7:02 The Chief Probation Officer shall be responsible for the development and implementation of a training program for local office orientation of newly appointed support staff persons.

7:03 Local office orientation and task training shall commence forthwith upon the appointment of all new personnel.

7:04 The Chief Probation Officer shall insure that probation officers and support staff persons are not assigned or allowed to perform task assignments until adequate training in the task has been completed.

7:05 The format and content of training programs, as required in Standards 7:01 and 7:02, shall be recorded and kept current. The format of the probation officer and support staff orientation shall include at a minimum the following:

1. Introduction to court house personnel;

2. Description of duties;

3. Familiarization with:
   -court terminology related to task assignments;
   -OCP mission, goals, and organization;
   -local office policies and procedures that relate to work assignments, including an explanation of those sections of the Trial Court Personnel Policies Manual that apply to them;
   -for probation officers, statutes and administrative directives from OCP and other authority that pertain to the probation service and to probation work;

4. Knowledge of:
   -role responsibilities;
   -personnel policies and benefits;
   -office equipment, where applicable;

5. Skill training in task assignments;

6. Opportunity to discuss the collective bargaining agreement with the union representative;

7. Receipt of a copy of section 16:000 Rules and Discipline of the Trial Court Personnel and Procedures Manual.

7:06 Local office orientation shall include the providing of an updated Probation Manual and instruction by the ACPO with newly appointed probation officers of all standards promulgated by the Commissioner of Probation.

7:07 Prior to the expiration of the six (6) month probationary period the Chief Probation Officer shall submit to the OCP a statement certifying that the new probation officer has been instructed in the standards promulgated by OCP and in functions to be performed and in the opinion of the Chief Probation Officer the probation officer has reasonable knowledge of the standards.

7:08 The Chief Probation Officer as he/she is trained in new or revised standards shall be responsible for providing training to appropriate probation office staff.

7:09 The Chief Probation Officer shall identify, not less than annually, the local training needs of both the probation officer and the support staff.

7:10 The Chief Probation Officer shall be responsible for developing a plan to respond to his/her local office training needs assessment survey.

7:11 The Chief Probation Officer shall be responsible for providing training for his/her staff in those areas identified in Standard 7:09 and 7:10.

7:12 The Chief Probation Officer shall maintain a current training file on each probation officer. In this file shall be listed all training provided by the Chief Probation Officer, the Office of the Commissioner of Probation, and other training approved by the Chief Probation Officer. Each training entry shall include the date the training took place, the content of the training, and which performance criteria were used to evaluate the results of the training.

7:13 The Chief Probation Officer shall schedule and conduct, at a minimum, monthly staff meetings to disseminate information and discuss matters relevant to probation office operations. A written agenda shall be developed and circulation prior to each meeting.

7:14 The Chief Probation Officer shall schedule and conduct, at a minimum, monthly supervisory team meetings with the Assistant Chief Probation Officer(s) and with the supervisory support staff.

7:15 The Chief Probation Officer shall post and circulate OCP sponsored training memoranda to appropriate office staff.

7:16 Applications from probation office staff for OCP sponsored training programs shall be approved by the Chief Probation Officer prior to their submission to the Office of the Commissioner of Probation.

Commentary

Standards 7:01 through 7:07 address the need for orienting new staff in a prescribed manner, consistent with a time frame established by the Chief Probation Officer.

Probation officer supervisors and support staff supervisors should assess the task readiness of new staff and the Chief Probation Officer is responsible for insuring that appropriate training is given prior to task assignment. No person shall be assigned to perform a probation office task unless he/she has been sufficiently trained in that task function as to reasonably insure satisfactory performance.

The intent of Standards 7:09 and 7:10 is that as training needs are identified, the Chief Probation Officer should determine the means to address those needs. On one level, ongoing training related to statutes, standards, local office procedures and the like may be conducted by the CPO/ACPO support staff supervisor as a part of a staff meeting or in a separate training session. On another level, the CPO may believe that a specialized, experienced trainer would be more informative, as may be the case for mediation training. On yet another level, the Chief Probation Officer, after making an effort to locate training resources, may work in collaboration with the OCP training staff to achieve programs/workshops on subjects of common interest.

Standard 7:11 emphasizes that the Chief Probation Officer is not only required to identify needs but is also required to develop and implement training programs that meet those needs. Standard 7:12 identifies the Chief Probation Officer's responsibility to maintain a current and detailed training file on each probation officer. It is at the local level that the need for training is most easily identified and met and that the performance of training can be most easily assessed. The training file must contain not only the date and title of each training segment, but must also include a summary of the content of training and/or evaluation of the effect of the training on the probation officer's skill or knowledge level.

Standard 7:13 ensures that job related information is presented to probation officers and, where applicable, to support staff. A prepared written agenda encourages questions and discussion by the staff. It is suggested that copies of the written agenda be retained by the Chief Probation Officer. Standard 7:14 reinforces the need for informational exchange between the Chief Probation Officer and his/her supervisory staff. Good practice requires that the Chief have regularly scheduled supervisory sessions with probation officer and support staff supervisors to ensure that he/she is informed and is sensitized to issues/problems as they are developing. Such sessions also give the Chief Probation Officer the opportunity to give recognition for accomplishments and work performance that exceeds expectations.

The intent of Standards 7:15 and 7:16 is to provide sufficient time for probation office staff to apply for an OCP sponsored training program, have their application approved by the Chief Probation Officer and submit the application to OCP within the time limit stated in the training notice. The Chief Probation Officer should encourage and support probation officer participation in work-related programs/workshops that enhance the abilities and interest of the participants. Further, the exchange of information received from such training sessions is invaluable to OCP in the development of new programs, in the reduction of duplication and paper flow, and in the increased understanding of all parties of issues facing the probation service.

8:00 INTERSTATE TRANSFER OF SUPERVISION

(Standards 8:01 through 8:06 are not applicable to the Probate and Family Court Department)

A. Transfer to Another State from Massachusetts

8:01 The Chief Probation Officer shall initiate, unless otherwise directed by the court, the procedure for transfer of a probationer for supervision to the state of his/her residence, subject to the provisions of the Interstate Supervision of Probation and Parole Compact or the Interstate Compact on Juveniles.

8:02 In such a case, the Chief Probation Officer shall establish procedures to insure that the following material is sent, in triplicate, to the Interstate Compact Representative in the Office of the Commissioner of Probation (OCP), along with a letter of transmittal:

Adult Cases

Application for Compact Services
Interstate Compact Forms I - Request for Investigation
Form III - Agreement to Return
Form IV - Social History
Pre-Trial Intake Report
Criminal Record
Police Report (if available)
Signed and witnessed Conditions of Probation/Terms of Supervision

Juvenile Cases

Form IA - Application for Compact Services
Interstate Compact Form IV - Parole or Probation Investigation Request
Form V - Report of Sending State upon Juvenile Being Sent to Another State.
Form VI - Memo of Understanding and Waiver
Pre-Trial Intake Report, plus any additional investigation material
Juvenile Record
Police Report (if available)
Signed and witnessed Conditions of Probation/Terms of Supervision
Social Histories

B. Transfer from Another State to Massachusetts

8:03 The Chief Probation Officer shall insure that all investigations requested of his/her office in interstate cases shall be completed in a timely manner. Generally, the investigtion shall be completed within thirty days of the receipt of the request.

8:04 The Chief Probation Officer, upon receipt of a request from the Office of the Commissioner of Probation for investigation and supervision of a transfer case from another state, shall respond directly to the Interstate Compact Representative of the sending state, with a copy to OCP.

8:05 The Chief Probation Officer shall insure that the investigation and supervision of an interstate transfer case shall meet, at a minimum, the standards for investigations and supervision that are applicable to cases originating in Massachusetts. All offenders received for supervision through either Interstate Compact shall be assigned to Risk/Need supervision.

8:06 The sending state shall be advised at least semi-annually as to the status and progress of the offender under supervision in Massachusetts. The sending state shall be advised immediately when the offender has successfully completed the period of supervision or when he/she is alleged to be in violation of the conditions of probation.

APPENDIX

STANDARDS FOR CERTAIN OFFICE PROCEDURES

A. MASTER ASSIGNMENT SYSTEM (Standard 2:06 and 2:07)

The Master Assignment System is a means for tracking the assignment of offenders placed by the court under probation officer supervision. Further, this system can assist as a cross check to statistical caseload data.

To implement Standard 2:07, a card file or rolodex organized alphabetically or a log organized by date of disposition that complies with the requirements of this standard may be used. However any system that includes the mandates of Standards 2:06 and 2:07 can be employed.

Formats A-1 and A-2 provide some suggested methods for implementation; the selection depends upon the Chief's preference for an alphabetized or chronological system.

MASTER ASSIGNMENT SYSTEM

P.O. _____

Name:

R/N _____ ADM _____

Disp. date: _____

Offense: _____

Disposition: _____

Comments:

Format A-1

MASTER ASSIGNMENT SYSTEM

Date of Disposition	Name	Most Serious Offense and Disposition	PO	Supervision		Comments Section (Transfers in from other courts and back from J/C sessions, etc.)
				R/N	Adm.	

(reduction of an 8 1/2" X 14" suggested form)

Format A-2

B. CASE SUPERVISION SYSTEM (Standards 2:08 and 2:09)

The Case Supervision System must serve the following two functions for the (A)CPO:*

1) To track due dates for the (A)CPO's review of probation officer assessments, plans, reviews and recommendations.

2) To identify and provide data for offenders being supervised by each Probation Officer responsible to the (A)CPO. Such data enables the (A)CPO to provide management reports to the CPO, e.g. the Probation Officers's case profile (numbers of maximum, moderate, minimum Risk/Need cases and Administrative cases), overdue case assessment information, etc.

The above tracking and offender data functions can be implemented separately or together.

Separately, the tracking of due dates calls for a suspense date recording system in which dates for assignments, plans, reviews and recommendations are recorded ahead by the (A)CPO in a diary or on a calendar. Offender data can then be organized alphabetically in a card file or rolodex or, in smaller offices, by a list/log.

Together, the tracking and offender data functions may be implemented by the use of a card file/rolodex in which new cases assigned during the month are stored in one section and, upon completion of the initial assessments/plans, are extended ahead into the appropriate monthly sections where they are organized by Probation Officer.

Formats B-1 and B-2 are two suggested methods for the recording of offender data. However, any method or combination of methods meeting the requirements of Standards 2:08 and 2:09 may be used.

*(A)CPO refers to the Assistant Chief Probation Officer, except in those Divisions where there is no Assistant Chief Probation Officer, the Chief Probation Officer must assume responsibility for the respective task.

CASE SUPERVISION SYSTEM

P.O. _____

Name:

R/N Level: _____

Disp. date: _____

Most Serious Offense _____

P/D

Inv._____ R/N_____

Review date

Furthest Term. date:_____

Term Review date: _____

Comments:

Format B-1

CASE SUPERVISION SYSTEM

Probation Officer _____

Date of Disposition	Name	Most Serious Offense Furthest Termination Date	R/N	Adm.	Post-Disp. Inv.	Current Due Date	Current R/N Level Supervision	Term Review Date	Comments

(reduction of an 8 1/2" X 14" suggested form)

Format B-2

C. PROBATION MANUAL INSERTS RECEIPT AND PROBATION MANUAL MAINTENANCE CHECKLIST (Standard 4:10 and 4:11)

The Inserts Receipt, Format C-1, records the distribution and review by the Probation Officer of all material received for insertion in the Probation Manual.

The Checklist, Format C-2, may be photo copied and retained in each Probation Manual. The checklist is maintained by the Probation Officer and is subject to review by the Chief Probation Officer.

Formats C-1 and C-2 are suggested methods for implementation of Standards 4:10 and 4:11.

MASSACHUSETTS PROBATION SERVICE

PROBATION MANUAL INSERTS RECEIPT

_____ Division of the _____ Court Department.

The following inserts for the Probation Manual are being distributed:

_____

_____

_____

_____

_____

Please acknowledge by date and signature the receipt of these manual inserts. It is the responsibility of each Probation Officer to read the material and file the inserts in the appropriate section of his/her Probation Manual.

(date)	Probation Officer		

Format C- 1

Massachusetts Probation Service

Probation Manual Maintenance Checklist

The purpose of this checklist is to provide a record for all additions and/or changes in the Manual in order to insure that it is kept current.

Upon receipt of material from the Chief Probation Officer for insertion into the Manual, the Probation Officer should complete the following checklist. This checklist should be inserted at the front of the manual in the "Contents" section.

Standard/Changes and Date received	Date Entered	By Whom Entered

Format C -2

D. SUSPENSE SYSTEM (Standard 4:12)

In order to select the Suspense System that meets the organizational needs of the local probation office in the most efficient and least restrictive manner, the Chief Probation Officer should consider the volume of court business processed through his/her office and the need for availability of probation record information.

This standard requires the identification on any given date of those cases scheduled to appear before the court or scheduled for some court action during the subsequent 30 day period.

This means that information to identify such cases be maintained in a diary recording system or in a suspense date filing system. Either the diary method or the filing method or a combination of the two may be employed.

If a diary recording system is used, all continuance dates are entered ahead in the diary. The diary, preferably a bound book, must be logged daily to insure that new continuance dates are recorded in and any obsolete dates are stricken from the diary.

If a suspense date filing system is used for all active cases, record cards from court are filed ahead daily in the active case file which is organized ahead by dates for each month.

A separate alphabetized file of steering cards, giving the name, year of birth and nearest continuance date is required to provide access to the suspense file. Each day as cases come from court, the obsolete continuance date must be deleted from and the new continuance date entered onto the steering cards.

If a combination of the diary and a 31 day suspense filing system is employed, then the following is required:

1. All new continuance dates are entered ahead in the diary, as described above.
2. The record cards of active cases scheduled to appear in the subsequent 31 days are organized in a suspense date filing system.
3. The remaining active cases are organized alphabetically.
4. Whenever a record card of a case scheduled to appear before the court during the subsequent 31 day period is pulled from the alphabetized section, a penciled notation of name and nearest continuance date is made on a steering card. The steering card is then inserted into the alphabetized section to give access to the suspense portion of the active file.
5. To insure that a 30 day suspense period is maintained, the suspense system must each day be always organized 31 days ahead of the scheduled court appearances.

Any method or combination of methods meeting the requirements of Standard 4:12 may be used.

E. PROBATION DAY SHEET (Standards 4:13, 4:14, 4:15)

The suggested Probation Day Sheet may be used in the absence of any other prepared court trial list that meets the requirements of Standard 4:14. Multiple offenses for the same defendant should be recorded on separate lines.

The stage of the processing should be recorded using the following code:

A	-	arraignment or application for petition
PTC	-	pre-trial conference
T	-	trial
H	-	hearing (petition)
D	-	disposition
R	-	review
S	-	surrender

Note that there is a column for the initials of the probation officer recording the entry. Also the name of the justice presiding in the session should be entered in the upper right hand corner.

PROBATION DAY SHEET FOR _____ Judge _____

Docket #	Name	Offense	Stage of Proceeding	Attorney Status	Disposition	P.O.

(reduction of an 8 1/2" X 14" suggested form)

Format E-1

F. RELEASE OF PROBATION INFORMATION (Standards 5:05 and 5:06)

The suggested formats for Release of Confidential Information and Request for Probation Case Folder Information, meet the minimum requirements of Standards 5:05 and 5:06. The Format F-1, the consent form, can also be used where the probation officer wishes to obtain information from another person/agency.

MASSACHUSETTS PROBATION SERVICE

_____ Division of the _____ Court Department

CONSENT FOR THE RELEASE OF CONFIDENTIAL INFORMATION

I, _____ authorize (the) _____
(name)

_____
(person/agency)

_____
(address)

to release the following information: _____

_____

_____

to: _____
(person/agency)

_____
(address)

for the purpose of: _____

_____

_____

I understand that by law I need not consent to the release of this information. However, I choose to do so voluntarily for the purpose specified above.

_____ _____
Probation Officer Witness Signature of Releasee

_____ _____
Date Relation to Signatory

Format F-1

MASSACHUSETTS PROBATION SERVICE

_____ Division of the _____ Court Department

REQUEST FOR PROBATION CASE FOLDER INFORMATION

Date: _____

I, _____, request access to the information contained
name

in my probation case folder this _____ day of _____, 19____.
(month)

_____
signature

Do Not Write Below This Line - Probation Office Use Only

Do Not Detach

Action Taken by the Chief Probation Officer:

_____ Request Approved

_____ Request Denied

_____ Request approved with the following exceptions:

Date: _____ Signed: _____
Chief Probation Officer

Above action reviewed and approved:

Date: _____ Signed: _____
Justice

Format F-2

PRACTICE OF LAW BY PROBATION OFFICERS

1. PROMULGATION OF STANDARD RE: PRACTICE OF LAW BY PROBATION OFFICERS

Pursuant to General Laws, Chapter 276, Section 99, as amended, the following standard, in effect on July 1, 1978, has been reviewed and approved by the Chief Administrative Justice of the Trial Court. Said standard is hereby established and promulgated by the Commissioner of Probation:

STANDARD ON

PRACTICE OF LAW BY PROBATION OFFICERS

A probation officer shall not engage in the practice of law in any form and any violation of this standard shall be considered a serious breach of duty and cause, therefore, for disciplinary action, including discharge.

April 17, 1984
date

Joseph P. Foley
Commissioner of Probation

PROBATE AND FAMILY COURT DEPARTMENT

STANDARDS AND FORMS FOR PROBATION OFFICES OF THE PROBATE AND FAMILY COURT DEPARTMENT*

Pursuant to Massachusetts General Laws, Chapter 276, Section 99, as amended, the following standards, approved by the Chief Justice of Administration and Management of the Trial Court, are hereby established by the Commissioner of Probation, effective July 1, 1994.

March 30, 1994
DATE

Donald Cochran
Donald Cochran
Commissioner

FORWARD

Appreciation is extended to the members of the Probate and Family Court Standards Revision Committee. They worked diligently and thoughtfully to analyze all aspects of probation office responsibilities in the Probate and Family Court Department, and to review and revise standards for fulfilling those responsibilities.

PROBATE AND FAMILY STANDARDS REVISION COMMITTEE

LYNN E. ALLEN, Probation Officer, Suffolk Division; **ROBERT C. ANDERSON**, Assistant Chief Probation Officer, Worcester Division; **TANYA M. BROOKS**, Probation Officer, Bristol Division; **BRENDAN V. CALLANAN**, Chief Probation Officer, Middlesex Division; **ALEX A. CARNEVALE**, Chief Probation Officer, Berkshire Division; **DONALD P. CHABOT**, Chief Probation Officer, Franklin Division; **DAVID M. CLAURETIE**, Assistant Chief Probation Officer, Plymouth Division; **PEGGY L. GASSMAN**, Assistant Chief Probation Officer, Norfolk Division; **HENRY A. MORAN, III**, Probation Officer, Hampden Division; **WILLIAM M. O'RIORDAN**, Chief Probation Officer, Hampshire Division; **LEONEL O. SOUZA, JR.**, Chief Probation Officer, Barnstable Division; **SUZANNE I. STACY**, Probation Officer, Essex Division.

*These Standards repeal and replace the Standards And Forms For Intake, Investigation, Mediation, Supervision Of Cases Involving Support Collection And Enforcement Of Court Orders, And Community Services For Probation Offices Of The Probate And Family Court Department, promulgated on March 9, 1984 by the Commissioner of Probation.

PREAMBLE

Probation Officers serving in the Probate and Family Court Department have a vital role in, and are committed to, ensuring that justice is served in a fair and equitable manner. Probate Probation Officers strive to provide accurate and relevant information to the court by means of investigation, dispute intervention, and supervision functions and to foster communication and coordination of information and services throughout the entire probation system. Toward such ends, Probate and Family Court Probation Officers help to supply relevant information; are dedicated to encouraging and assisting parties in the resolution of family disputes; and are committed to maintain the integrity of court orders.

In the course of fulfilling their role, Probation Officers serving in the Probate and Family Court Department must preserve the public trust which they hold, and conduct themselves in a manner which demonstrates respect for the rights, dignity and individuality of persons who come in contact with Probation Office personnel.

1:00 STATEMENT OF ROLES

1:01 The Chief Probation Officer is responsible for implementing, monitoring and maintaining the Standards And Forms For Probation Offices Of The Probate And Family Court Department.

1:02 The Assistant Chief Probation Officer, under the direction of the Chief Probation Officer, is responsible for training and supervising the Probation Officer in the implementation of the Standards And Forms For Probation Offices Of The Probate And Family Court Department.

1:03 The Probation Officer is responsible for processing intake information, conducting investigations and dispute interventions, supervising cases, using community resources and performing all duties and responsibilities in compliance with the Standards And Forms For Probation Offices Of The Probate And Family Court Department.

COMMENTARY

In offices that do not have an Assistant Chief Probation Officer, the role and duties of Chief Probation Officer shall include those of an Assistant Chief Probation Officer.

The First Assistant Chief Probation Officer, where designated as such, is responsible for performing those functions with respect to standards that are delegated to him/her by the Chief Probation Officer.

2:00 ADMINISTRATION

A. Office Procedures

2:01 The Chief Probation Officer shall establish an Office Procedures Manual, the content of which shall implement these Standards and Forms For Probation Offices of the Probate and Family Court Department, and which shall be in compliance with relevant sections of the Standards For Certain Office Procedures.... promulgated by the Commissioner of Probation.

B. Professional Responsibility

2:02 In the course of their duties, Probation Officers shall refrain from giving legal advice and/or from referring any party to a specific attorney.

2:03 If a Probation Officer identifies, in the course of his/her duties, any condition which appears to require professional evaluation or treatment, the Probation Officer shall take appropriate action which may include making a recommendation for such evaluation or treatment to the court. Where court action appears necessary, the Probation Officer shall submit the matter to the court for review. Any such action shall be recorded in the case folder.

2:04 All Probation Officers shall take appropriate action if, in the course of his/her duties, (s)he becomes aware of intimidation, threats, or allegations of abuse or neglect.

2:05 All Probation Officers shall perform their duties in a fashion which is impartial, equitable and courteous, as well as sensitive and responsive to the rights and needs of litigants and their families.

C. Release of Probation Information

2:06 Release or dissemination of probation information shall comply with Standard 5:00 of the Standards For Certain Office Procedures... promulgated by the Commissioner of Probation (Appendix A).

2:07 The release or dissemination of probation information for referral to outside resources/agencies or for other purposes shall be with the informed written consent of the litigant(s) and/or authorization of the court.

2:08 The Chief Probation Officer, after consultation with the court, shall promulgate clear and precise directives as part of the Office Procedures Manual for the release/dissemination of probation information and for the transmission of such to other offices of the Massachusetts Trial Court. They shall include guidelines for screening information with regard to its need to be known by the receiving party and for its potential harm to litigants, their families and other parties or to sources of information.

Record Keeping

2:09 All Probate and Family Court Probation offices and personnel are to comply with all currently applicable standards and directives pertaining to the automated record keeping and retrieval systems maintained by the Office of the Commissioner of Probation.

2:10 Case folders shall be initiated and/or updated on all cases referred by the court for probation services in which it is determined that probation office activity related to the provision of such services is likely to require probation office activity or follow-up beyond the day of the initial court appearance.

2:11 Case folders shall be initiated and/or updated in all cases referred by the court for probation services where such cases have been previously referred for, and/or have previously received probation services.

2:12 Case folders shall be initiated and/or updated in all cases referred by the court for probation services in which there is an allegation of, and/or in which a probation officer has reasonable cause to believe there has been abuse, neglect or family violence.

2:13 The Chronological Notes Form (Appendix B) shall be used to summarize all activities related to the providing of probation office services on all cases in which a case folder is maintained.

COMMENTARY

Standard 2:00 should be read in light of all applicable sections of the Standards For Certain Office Procedures... promulgated by the Commissioner of Probation.

It is the intent of Standard 2:01 that the Chief Probation Officer enumerate the procedures necessary for local implementation of the Standards And Forms For Probation Offices Of The Probate And Family Court Department.

With regard to Standard 2:02 through 2:05, Chief Probation Officers should administer the probation office, develop procedures and supervise staff, etc. in light of implications of the Standards Of Professional Conduct For Probation Managers Of The Massachusetts Trial Court.... All probation officer personnel, including Chief Probation Officers are to be cognizant of their responsibilities to abide by applicable provisions of the Personnel Policies and Procedures Manual of the Massachusetts Trial Court. Standard 2:02 does not preclude probation officer personnel from making available to any party a listing of community resources available for legal representation.

In Standard 2:04 "appropriate action" may include, but is not limited to, consultation with the (Assistant) Chief Probation Officer, consultation with or notification of the court, separating litigants/parties in the course of conducting investigations or dispute interventions, etc. In addition, where reasonable cause exists, "appropriate action" will mean the mandatory reporting of abuse or neglect pursuant to current law (see M.G.L. c. 119, s. 51A, abuse or neglect of a child; see M.G.L. c.19A, s. 15, abuse or neglect of the elderly).

Standards 2:06 through 2:08 should be read in light of Standard 5:00 of the Standards For Certain Office Procedures..., Standard 3:00 of the Standards Of Professional Conduct For Probation Managers Of The Massachusetts Trial Court..., and any current policy statements or directives of the Probate and Family Court Department or the Administrative Office of the Massachusetts Trial Court, or the Office of the Commissioner of Probation.

With regard to Standard 2:08, there is one Massachusetts Trial Court. Transmission of probation information within the Massachusetts Trial Court is not a release/dissemination when such transmission is done in the official performance and furtherance of Trial Court duties and responsibilities.

Standard 2:09 refers to all currently applicable standards and directives pertaining to automated record keeping of any kind. In particular probation offices and personnel must be in compliance with all such standards and directives relating to Court Activity Record Information (CARI) including but not limited to the Standard To Establish And Maintain A Domestic Violence Record Keeping System.

With regard to Standards 2:10, 2:11 and 2:12 the preferred professional practice is to initiate and maintain a case folder on all cases referred for services. Recognizing that in some instances this may not be necessary or feasible, case folders are required only in the instances enumerated in these standards. At a minimum, case folders shall contain the Intake Report, and chronological notes; and where applicable shall contain but not be limited to the Conditions of Order form, stipulations, releases of information, investigations, copies of correspondence, evaluations and other relevant information.

The purpose of the chronological notes is to maintain a running chronological summary of all activities relevant to the delivery of probation services on the case. It should be the one place in the folder where probation officer personnel can quickly and effectively familiarize themselves with the history and current status of the case. The Chronological Notes form mentioned in Standard 2:13 is to contain, at a minimum, the following information: case name, case #, the name of the probation officer making the entry, the date and type of contact and a brief summary of the contact. Entries should be complete but concise, and may cross reference other documents contained in the folder rather than repeat lengthy information or details contained elsewhere.

3:00 INTAKE

3:01 The purpose of the intake process is to provide identifying data and to define the nature of the referral, including investigation, dispute intervention, collection and disbursement of monies, enforcement of orders, etc.

3:02 The Probation Officer shall explain the purpose of intake and the Probation Officer's role in the information gathering process to all parties.

3:03 The probation office shall complete in a timely manner an Intake Report for each person referred by the court for Probation Officer service(s); and upon re-referral, shall review and update the intake report as needed.

3:04 The content of the Intake Report shall include at a minimum the following information:

A) Date completed, docket number; as well as office number and PRA account number where relevant.

B) Name, address, telephone number (at home & at work), social security number, date of birth and place of birth, date of marriage, date of separation and parents' names of each litigant.

C) Name, date of birth and residence of each child.

D) Name, address and telephone number of all attorneys of record.

E) Name and address of each litigant's employer.

F) Each litigant's other sources of income including welfare and unemployment.

G) Each litigant's medical insurance status.

3:05 The Probation Officer shall file the Intake Report in the probation case folder.

COMMENTARY

In Standard 3:01 the nature of the referral may be recorded in the "Additional Information" section of the Intake Report.

The Intake Report referred to in Standard 3:03 is the Probate And Family Intake Report (Appendix C) found in the Appendix to these Standards. It is the responsibility of the Probation Officer to review each Intake Report for completeness and accuracy before signing it.

As for the content of the Probate And Family Intake Report referred to in Standard 3:04, the "Other Information" section may, as needed, include but not be limited to the following types of pertinent information: special orders of the judge, cross references to other relevant cases or reports, the involvement of a guardian ad litem, potential referrals, other sources of information, etc.

Pursuant to Standard 3:05, the Intake Report is to be filed in the case folder consistent with the provisions of Standards 2:10, 2:11 and 2:12. In the event a folder is not opened, consistent with such provisions, the Intake Report shall be stored in some other fashion in the probation office.

4:00 INVESTIGATION

4:01 The purpose of the investigation process is to gather information on matters referred by order of the court, to assist the court in making timely, informed decisions on such matters.

4:02 Cases referred for investigation by order or direction of the court shall be assigned to a Probation Officer within two days of receipt of the court referral by the probation office. Such assignments shall be made by the (Assistant) Chief Probation Officer who shall keep a log of all such assignments.

4:03 The content of the investigation report shall be in writing and include, at a minimum, the identification and current assessment of the issues, the relevant information pertaining thereto, a written summary and, unless otherwise directed by the court, the Probation Officer's recommendation(s).

4:04 The investigation report shall be completed and made available to the court and to the attorneys of record, or to the parties as the court may direct, on the date designated by the court. If no such date has been determined the (Assistant) Chief Probation Officer shall within thirty days of assignment of the case, after consultation with the Probation Officer, designate a date for the expeditious completion and availability of the report.

4:05 The (Assistant) Chief Probation Officer shall monitor the investigation process to ensure its timely completion; and the Probation Officer shall, after consultation with the (Assistant) Chief Probation Officer, inform the court, the attorneys of record or the parties as the court may direct as to any problems or matters which may require a delay or acceleration of the investigation process.

COMMENTARY

Standard 4:01 refers to the gathering of information by the Probation Officer of matters involving custody, visitation, support and maintenance of minor children in divorce and separate support proceedings pending before the court. Further, the Probation Officer may be required to gather information regarding motions to vacate the marital home, petitions of guardianship of minor children, petitions for adoption and any other matters as the court may order or direct.

The assignment of cases required by Standard 4:02 is intended to identify, in a timely manner, who has responsibility for the case. This is important in order for parties and attorneys to gain timely knowledge of who will be investigating the matter, and of who will be answering any inquiries relevant to the case. It is the responsibility of the (Assistant) Chief Probation Officer to make such assignments. If, for some reason, an investigation cannot proceed or must be held in abeyance it is permissible for the (Assistant) Chief Probation Officer to assign the matter to himself until the matter can proceed. In any event it is necessary that a particular person (Chief Probation Officer, Assistant Chief Probation Officer, or Probation Officer) be identified in order to serve the needs of the court, the litigants and their counsel.

Implementation of Standard 4:03 requires that the Probation Officer consider the sources of information and the format of the investigation report.

In conducting an investigation, the Probation Officer should solicit and obtain pertinent information from the following sources: litigants; attorneys; minor children; witnesses offered by litigants; and where pertinent, schools, hospitals, physicians, as well as any other collateral sources or resources, private or public, which may provide relevant information.

In writing the investigation report, one of the following formats should be used:

A. Formal Report:

This report shall contain the following elements:

1. Title sheet;
2. legal history;
3. litigants' statements regarding the issues;
4. witnesses' statements regarding the issues;
5. summation and recommendation;
6. appendix.

B. Summary Memorandum Report:

This report may be a narrative that summarizes the issues under investigation, and that states their resolution, if any. It shall meet the minimum requirements of Standards 4:03.

C. Closing Summary Report:

This report is to be used when a case assigned for investigation has been settled or resolved by some other means. It may be a separate report, referenced in the chronological record of the case; or the report may be recorded in its entirety as an entry in the chronological record of the case. The "Closing Summary Report" shall contain the following elements:

1. name of the case;
2. date assigned;
3. name of the referring judge;
4. issues;
5. the extent to which the investigation was completed;
6. resolution.

The court is to be notified whenever the above mentioned circumstances occur on cases, referred by the court for investigation.

Standards 4:04 and 4:05 address the need for a timely and thorough investigation process to serve the needs of the court and the parties. It should be noted that these Standards are subject to any current applicable case flow or time standards instituted by court rule or other authority.

5:00 DISPUTE INTERVENTION

5:01 The purpose of dispute intervention is to provide an opportunity to the litigants to resolve their own differences; and to provide the court with information and/or recommendations as requested and/or ordered by the court.

5:02 The Probation Officer shall explain the purpose of dispute intervention and the Probation Officer's role to the litigants.

5:03 The role of the Probation Officer in dispute intervention is to identify the areas of dispute between the litigants, to assist in the resolution of differences and to report the outcome to the court; which in some cases may require the presentation of a Probation Officer recommendation to the court on unresolved issues.

5:04 Where necessary and appropriate the Probation Officer may suspend the dispute intervention; and return to court for further guidance.

5:05 The Probation Officer, at the conclusion of the dispute intervention, shall clarify and summarize the results to the litigants and/or their attorneys.

5:06 The Probation Officer shall ensure the preparation of a written stipulation defining the areas of agreement reached in dispute intervention; and such stipulation shall be signed by the litigants and their attorneys, and submitted to the court for approval.

5:07 The Probation Officer shall explain to the litigants and their attorneys his/her recommendation(s) pertaining to any unresolved issues, and shall be prepared to present such recommendation(s) to the court.

5:08 The Probation Officer shall file in the probation case folder a copy of the signed stipulation and/or memorandum indicating the Probation Officer's involvement in the dispute intervention process and his/her recommendation(s) concerning the unresolved issues.

COMMENTARY

The purpose of dispute intervention as referenced in Standard 5:01 is to provide an opportunity by utilizing mediation conciliation and negotiation skills and techniques, where appropriate, for the parties to resolve their own differences as opposed to having a resolution imposed upon them. It is recognized that in some cases a dispute intervention may be inappropriate or impossible by virtue rule of law, power differences between the parties, the presence of intimidation, the inability or unwillingness of one or both of the parties to participate.

With regard to Standard 5:02, the Probation Officer, before a dispute intervention begins, should explain to the parties and their attorneys that (s)he may be required by the court to make a recommendation regarding any unresolved issues.

In fulfilling his/her role, as referenced in Standard 5:03, the Probation Officer is a facilitator not an advocate for either party.

Suspension of dispute intervention as referenced in Standard 5:04 may be particularly appropriate where impediments, such as the ones mentioned in the commentary to Standard 5:01 are present.

In dispute intervention the Probation Officer must be careful to maintain impartiality. In so doing the Probation Officer must be sensitive to power imbalances and/or intimidation which can result where one party may not be represented by counsel, or where there are significant personality differences, or where some form of family abuse may be an issue, etc. The Probation Officer should use appropriate skills and means to control the session including separate sessions for each litigant as well as suspension of the session (Standard 5:04), and/or a recommendation to the court that a dispute intervention may be unsuitable for the case.

With regard to Standard 5:05 and 5:06, stipulations may be drafted by the Probation Officer, the litigants or their attorneys. In either case the Probation Officer should be assured that the document accurately represents that to which the litigants have agreed, and that all relevant persons have signed. Within the limits of the Probation Officer's knowledge and experience, if in the Probation Officer's opinion, the agreement or aspects of the agreement raise substantial concerns regarding fairness, voluntariness, the safety and well being of the litigants or their children, the Probation Officer should raise those concerns with the litigants and/or their attorneys. If the concerns are not resolved or alleviated, the Probation Officer should return the case to the court, and should make those concerns known to the court for the court's consideration and/or disposition.

If the Probation Officer signs, it is as a witness only. The Probation Officer's signature is not intended to be, nor should it be construed to be expressly or impliedly, an approval of, or agreement with, the stipulation document or it's contents.

With regard to Standard 5:07 the Probation Officer must be prepared to offer a recommendation(s) to the court with regard to unresolved issues. The Probation Officer should explain the recommendation(s) to the litigants and their attorneys. The Probation Officer should not offer a recommendation to the court unless explicitly requested or ordered by the court to do so.

In Standard 5:08 it is expected that case folders will be initiated/updated in cases referred for dispute intervention service, consistent with the provisions of Standards 2:12, 2:13 and 2:14. In the event that a folder is not initiated, consistent with such provisions, the documents referred to in Standard 5:08 shall be kept in some other fashion in the probation office. In situations where an agreement is not reached, the memo referenced in Standard 5:08 shall be written. Such memorandum may be a separate document referenced in the chronological notes, or it may be recorded in its entirety as part of the chronological notes.

6:00 SUPERVISION

6:01 The purpose of supervision is to monitor enforcement of court orders referred by the court for supervision by the probation office.

6:02 The (Assistant) Chief Probation Officer shall assign cases, referred by the court for supervision, to Probation Officers within one day of receipt of the court order by the probation office; and the (Assistant) Chief Probation Officer shall keep a log of all such assignments.

6:03 The Probation Officer shall inform the litigant, in writing, of the terms of the court order.

6:04 In cases under Probation Officer supervision, when aware of a party's failure to comply with a court order, the Probation Officer shall take appropriate action to insure compliance with the court order. Such action shall include a review with the (Assistant) Chief Probation Officer. In collection cases such action shall include written notice to a delinquent payor of the amount of the arrearage and the consequences for non-compliance. The Probation Office shall employ all available resources to locate a delinquent payor. All such action shall be recorded in the chronological notes.

6:05 In each case referred by court order for supervision, the assigned Probation Officer shall develop a written plan. The supervision plan shall, at a minimum, address the following:

a. the nature of the order by the court;
b. where applicable, payment schedules and method of payment;
c. the methods to be utilized in monitoring enforcement.

6:06 The Probation Officer shall record the supervision plan in the chronological notes and the (Assistant) Chief Probation Officer shall review such plan within 30 days of assignment of the case to the Probation Officer. The (Assistant) Chief Probation Officer shall note his/her review and approval by dating and initialling in the chronological notes. If the (Assistant) Chief Probation Officer disapproves of the supervision plan, (s)he shall consult with the Probation Officer and, where necessary, direct the Probation Officer to adjust the plan before approval.

6:07 The Probation Officer shall implement the supervision plan and revise it where necessary.

6:08 The date, type and summary of each Probation Officer activity related to the supervision of the case shall be recorded in the chronological notes.

6:09 The (Assistant) Chief Probation Officer shall review each case every six months from the date that it is assigned to the Probation Officer. After reviewing the case the (Assistant) Chief Probation Officer shall note his/her review by dating and initialing in the chronological notes.

6:10 Upon reviewing a case referred by the court for supervision, if an (Assistant) Chief Probation Officer disapproves of the status of the case, he/she shall consult with the Probation Officer to take corrective action. The result of such consultation shall be recorded in the chronological notes.

COMMENTARY

Generally speaking the Standards in this section apply to any case referred by the court for supervision. Standard 6:01 indicates that to supervise means to manage and/or monitor the enforcement of court orders. Court orders which may be supervised include but are not limited to collections (where appropriate), drug and alcohol abuse treatment, counseling, supervised visitation, litigant employment search, etc.

With regard to collections it is understood that collection of child support is the responsibility of the current IV-D Agency. Probation supervision of any collections cases must be in accordance with current statutory and case law, Rules of Court and directives from authorized administrative officials. Any individual court order/referral for probation supervision of collections which conflicts with the above should be discussed with the Chief Probation Officer. If such a conflict remains unresolved, the Chief Probation Officer should bring the matter to the attention of the Chief Justice of the Probate and Family Court and the Commissioner of Probation.

The assignment log required by Standard 6:02 should include the name of the case, the name of the Probation Officer to whom the case has been assigned, the date that the court's referral was received by the probation office, and the date assigned to the Probation Officer.

The purpose of Standard 6:03 is to ensure that there is written documentation that the order on a case referred for probation supervision has been explained to the litigant charged with the responsibility of complying with the order; and that the enforcement role of the Probation Officer has been explained to the litigant. To those ends a Conditions of Order form is provided (Appendix D).

Pursuant to Standard 6:04, appropriate action may include but is not limited to consultation with the (Assistant) Chief Probation Officer, verbal and written reminders and/or warnings to the litigant, notification of the court, or the initiation of contempt proceedings. On supervision cases a Probation Officer may initiate contempt proceedings, or may assist an aggrieved litigant. Even in cases not referred for supervision a Probation Officer may assist an aggrieved litigant in the filing of a contempt.

The supervision plan mentioned in Standards 6:05, 6:06 and 6:07 is to serve as the plan of action for the Probation Officer. It addresses the court order referred for supervision, contains time frames where appropriate, and it indicates what the Probation Officer will do and when (s)he will do it to manage/monitor the enforcement of the court order. In cases where protective orders are referred to the probation office for supervision, the Probation Officer must verify compliance with the order. The Probation Officer shall consult with the victim in order to determine an appropriate method of verification agreeable to the victim. In order to verify compliance the Probation Officer must have contact with either the victim or another reliable source (other than the perpetrator) at least once per month, unless otherwise directed by the court. Such other sources of information may include, but not be limited to, contact with specific family members, a trusted friend, or a mental health professional or program that is involved in the case. The method and frequency of verification shall be included in the plan.

To facilitate compliance with Standard 6:08 a Chronological Notes form is provided in Appendix B.

7:00 COMMUNITY SERVICES

A. Community Resources

7:01 The Chief Probation Officer shall be responsible for the development, maintenance, and annual update of a community resources directory. The directory shall be available to probation personnel.

7:02 The community resources directory shall include, but not be limited to, a listing of local resources which address the following areas:

a. Job training and placement;
b. Mental health;
c. Drug abuse treatment;
d. Alcohol abuse treatment;
e. Education;
f. Family services;
g. Medical services;
h. Residential placement (emergency/long term).

7:03 Each listing shall include the following data:

a. Name of resource/agency;
b. Address and telephone numbers (day and evening);
c. Contact person;
d. Hours of operation;
e. Type and extent of services offered;
f. Population served;
g. Fees/Insurance.

7:04 The Chief Probation Officer shall be responsible for annually conducting an assessment of whether the outside resources exist to meet the needs of litigants and the referral needs of the probation office.

7:05 As needed, the Chief Probation Officer shall take reasonable, affirmative steps toward developing a cooperative plan with various resources to ensure, as far as is practicable, that psychiatric, counseling and evaluative services are available to meet the referral needs of the probation office for services to litigants and their families.

7:06 Referrals to outside resources shall include identifying data, information pertinent to the referral and the reason for the referral. The Probation Officer shall monitor such referrals as directed by the court.

7:07 The release or dissemination of confidential information for referral to outside resources/agencies shall be with the informed written consent of the litigant(s) and/or authorization of the court.

B. Volunteers/Student Interns

7:08 Any volunteer/student intern program instituted and administered by the probation office shall have the approval of the court.

7:09 The Chief Probation Officer shall designate the person responsible for coordinating the volunteer/student intern program. Further, the Chief Probation Officer is responsible for ensuring that all work assigned to volunteers/student interns is completed and supervised in compliance with standards promulgated by the Commissioner of Probation.

7:10 Recruitment of volunteers/student interns shall be pursuant to written guidelines promulgated by the Chief Probation Officer. Such guidelines shall include the use of application forms, personal interviews, and screening based on education, knowledge, skills, CARI/CORI background check and other factors deemed appropriate by the program.

7:11 The Chief Probation Officer shall be responsible for the development of a written orientation program that will address the role, responsibilities and time commitment required of the volunteer/student intern.

7:12 Upon acceptance and prior to assignment to any duties, each volunteer/student intern shall complete the prescribed orientation program, as well as any subsequent training as needed. In addition to the issues mentioned in Standard 7:11 the volunteer/student intern shall be familiarized with legal issues, court procedures, probation standards and other topics as appropriate to their specific duties.

7:13 The supervision and periodic evaluation of, as well as the assignment of cases to volunteers/student interns shall be pursuant to written guidelines promulgated by the Chief Probation Officer.

7:14 While volunteers/student interns provide certain services or perform certain tasks relative to a case which may be assigned to them, the responsibility for any such case shall remain with an assigned Probation Officer or (Assistant) Chief Probation Officer.

COMMENTARY

With respect to Standard 7:01 the Chief Probation Officer may delegate tasks related to a community resources directory. Information regarding resources/agencies may be gathered, supplemented and updated by various means, including the following: brochures from the resources/agencies, written comments from Probation Officers who have utilized the services of the resources/agencies, site visits, staff meetings with resource/agency representatives.

In complying with Standard 7:03 it may be useful to include additional information, where applicable: any special referral or eligibility criteria, whether a resource/agency is private or public, whether an agency is for profit or non-profit, whether various types of insurance are accepted for payment, etc.

If after conducting the assessment mentioned in Standard 7:04 the Chief Probation Officer finds that needed resources do not exist, the Chief Probation Officer should notify the court. Also, the Chief Probation Officer should consider, after consultation with the court, how the need for resources could be met, perhaps enlisting the help of other outside resources/agencies to discuss and formulate a plan.

With respect to Standard 7:05 the Chief Probation Officer should consult and plan with resources such as court clinics, mental health facilities, public and private mental health hospitals, public and private clinics, psychiatrists, and other appropriate resources where necessary.

The court ordered monitoring of referrals mentioned in Standard 7:06 must comply with relevant portions of Standard 6:00, Supervision.

Standards 7:08 through 7:14 are not intended to mandate that the probation offices of the Probate and Family Court institute Volunteer/Student Intern Programs. However, where such programs exist, are instituted and administered by the probation office, they are to be in compliance with these Standards.

The terms "volunteer" and "student intern" refer to individuals who donate their services to the probation office without financial compensation. A "student intern" has an affiliation with an educational institution and may be receiving course credits from that institution because of his/her services to the probation office.

In Standard 7:10 CARI refers to Court Activity Record Information, which is a record of Massachusetts court activity. CORI refers to Criminal Offender Record Information.

It is acknowledged that volunteers/student interns may be assigned to tasks or duties which may or may not require direct contact with litigants or their families. The Chief Probation Officer shall account for appropriate screening, orientation, assignment, supervision and evaluation of such volunteers/student interns in the guidelines referred to in Standard 7:10.

APPENDIX

APPENDIX A

CONSENT OF RELEASE

OF CONFIDENTIAL INFORMATION

I, _____ hereby

authorize _____
(person/agency)

_____
(address)

to release the following information: _____

_____

_____

to: _____
(person/agency)

_____
(address)

for the purpose of: _____

_____

_____

_____

_____

_____ _____
Witness Litigant

_____
Date

The above information is requested under the provisions of Massachusetts General Laws, Chapter 276, Sec. 85A and 85B.

APPENDIX B

CHRONOLOGICAL NOTES

CASE NAME _____ CASE# _____

DATE	PO	TYPE OF CONTACT	CASE NOTES

INSTRUCTIONS: Use the following code for type of contact: HV, home visit; FV, other field visits; OV, office visit; CC, case conference; T, telephone; L, letter; DI, dispute intervention.

PROBATE AND FAMILY COURT DEPARTMENT

INTAKE REPORT

DOCKET NO. _____ DATE COMPLETED _____

OFFICE NO. _____ PRA ACCT. # _____

PLAINTIFF(M/F) PRA REF.# _____ DEFENDANT(M/F) PRA REF.# _____

NAME _____ NAME _____
(Last) (First) (M.) (Last) (First) (M.)

ADDRESS _____ ADDRESS _____

CITY _____ STATE/ZIP _____ CITY _____ STATE/ZIP _____

TEL.(H) _____ (W) _____ TEL.(H) _____ (W) _____

SS# _____ SS# _____

DOB _____ POB _____ DOB _____ POB _____

PARENTS' NAMES _____ PARENTS' NAMES _____

_____ _____

EMPLOYER'S NAME _____ EMPLOYER'S NAME _____

ADDRESS _____ ADDRESS _____

_____ _____

AFDC ☐ AFDC ☐

GENERAL RELIEF ☐ UNEMPLOYMENT COMPENSATION ☐ GENERAL RELIEF ☐ UNEMPLOYMENT COMPENSATION ☐

OTHER ASSISTANCE _____ OTHER ASSISTANCE _____

MEDICAL INSURANCE _____ MEDICAL INSURANCE _____

ATTY. NAME _____ ATTY. NAME _____

ADDRESS _____ ADDRESS _____

_____ _____

TEL. # _____ TEL. # _____

****

CHILDREN INVOLVED IN THIS CASE:

NAME	DOB	ADDRESS

OTHER AGENCY INVOLVEMENT: _____

_____

OFFICIAL USE ONLY

OTHER INFORMATION: _____

_____

PROBATION OFFICER SIGNATURE _____

APPENDIX D

TRIAL COURT OF MASSACHUSETTS

Office of the Commissioner of Probation

Court Dept. _____ **Name of Case** _____

Division _____ **Case #** _____

On _____, the court ordered the above mentioned
(Date)
matter for supervision by the Probate and Family Court Probation Office, and ordered you to comply with the conditions listed below. The court will make a further determination of this matter on _____.
(Date)

CONDITIONS OF ORDER

_____

_____

_____

_____

_____

_____

_____

_____

_____

I have read, and I understand the conditions. I understand that failure to comply with these court ordered conditions may result in further action by the court including possible contempt proceedings.

_____ _____
(Litigant) (Date)

_____ _____
(Attorney) (Probation Officer)

Standards and Forms for Children in Need of Services (CHINS) for Probation Officers of the District Court Department and the Juvenile Court Department

MASSACHUSETTS TRIAL COURT
OFFICE OF COMMISSIONER OF PROBATION
ONE ASHBURTON PLACE
BOSTON, MA 02108-1612

DONALD COCHRAN
COMMISSIONER

(617) 727-5300

STANDARDS AND FORMS

FOR CHILDREN IN NEED OF SERVICES (CHINS)

FOR PROBATION OFFICERS OF THE

DISTRICT COURT DEPARTMENT,

AND THE

JUVENILE COURT DEPARTMENT

Pursuant to General Laws, Chapter 276, Section 99, as amended, the following standards and forms, approved by the Chief Administrative Justice of the Trial Court, are hereby established by the Commissioner of Probation, effective May 15, 1990.

March 1, 1990
Date

Donald Cochran
Donald Cochran
Commissioner of Probation

FORWARD

Recognition and appreciation is given to the members of the CHINS Standards Advisory Committee. The Advisory Committee worked diligently in cooperation with the Office of the Commissioner of Probation to develop the CHINS Standards and Forms.

STANDARDS AND FORMS

FOR CHILDREN IN NEED OF SERVICES (CHINS)

FOR PROBATION OFFICERS OF THE

DISTRICT COURT DEPARTMENT

AND THE

JUVENILE COURT DEPARTMENT

STATEMENT OF PURPOSE

The purpose of these standards is to promote law abiding, productive behavior, by coordinating appropriate services and providing supervision to children involved in Children In Need Of Services proceedings.

STATEMENT OF ROLES

The CHIEF PROBATION OFFICER* is responsible for implementing, monitoring and maintaining the standards, forms, and procedures governing the CHINS Standards established by the Commissioner of Probation.

The ASSISTANT CHIEF PROBATION OFFICER** under the direction of the Chief Probation Officer, is responsible for training and supervising the probation officers in the implementation of the CHINS Standards.

The PROBATION OFFICER is responsible for carrying out the CHINS Standards.

* The responsibilities set forth in these standards as applicable to the Chief Probation Officer shall, in the instance of a one person office, be applicable to the Probation Officer-in-Charge.

** The First Assistant Chief Probation Officer is responsible for performing those functions with respect to the standards which are delegated to him/her by the Chief Probation Officer.

1:00 SCREENING/INTAKE

1:01 The Chief Probation Officer shall be responsible for establishing written procedures to ensure that each person seeking CHINS assistance or information from the probation office, or who is referred to the probation office for CHINS screening or services, receives immediate attention and is provided with appropriate assistance.

1:02 The Chief Probation Officer shall be responsible for establishing written procedures to ensure that a probation officer completes Part I Sections A - E of the CHINS Preliminary Inquiry Report (CHINS-R-1) for each individual referred to the probation office for assistance.

1:03 The probation officer, prior to collecting the initial intake information, shall provide the individual(s) seeking assistance with an explanation of the CHINS process, including the options which are available (M.G.L. c. 119 s. 39E - 39J).

1:04 The probation officer, after completing the screening process, shall refer the applicant to the clerk/magistrate for assistance, if he/she believes that the best interest of the child would be served by a more formal process.

COMMENTARY

The intent of Standard 1:01, is to establish a procedure by which the probation officer can, at the earliest possible moment, evaluate the need for service and respond appropriately.

The intent of Standard 1:02, is to ensure that basic background information is collected on each individual referred to the probation office for services. This includes individuals who request assistance directly from a probation officer, as well as those referred directly from the clerk/magistrate prior to the issuance of an application.

The intent of Standard 1:03, is to provide the individual(s) seeking assistance with guidance and direction concerning the CHINS process, keeping in mind that the goal should be to determine what is in the best interests of the child.

2:00 PRELIMINARY INQUIRY

2:01 Prior to a hearing concerning the issuance of a petition, or subsequent to a petition being issued when a child is before the court on an arrest, the probation officer shall complete the CHINS Preliminary Inquiry Report, including a written recommendation as to whether the interests of the child can be best served by informal assistance without issuance of a petition, informal assistance without a trial on the merits, or by issuing a petition and proceeding with a trial on the merits.

2:02 The probation officer completing the preliminary inquiry shall review all pertinent identifying and investigative information prior to making a recommendation to the court.

2:03 The probation officer completing the report shall make every attempt to verify the information obtained during the preliminary inquiry, in order to provide the court with accurate information regarding the CHINS action.

2:04 Prior to making a recommendation to the court, the probation officer, in those instances where informal assistance is being recommended, shall discuss the recommendation with the parties in an effort to reach a consensus regarding the specific terms of the agreement. If the effort is successful, the terms of the agreement shall be presented to the court for its consideration.

COMMENTARY

With respect to Standard 2:01, it is the practice in some courts to refer the applicant to the probation office for screening after the clerk/magistrate has verbally granted the application, but prior to signing the application, when the applicant has not been previously screened by a probation officer. In those instances the probation officer should complete sections Part I, A - E of the CHINS Preliminary Inquiry Report prior to completing the remaining sections of the report.

With respect to Standard 2:03, the information obtained during the preliminary inquiry may be verified through home/school visits, medical/psychological reports, telephone calls to appropriate agencies/individuals and other collateral contacts. The probation officer should mark the appropriate response (yes - no) under "Information Verified" on the Preliminary Inquiry Report, indicating whether the information in each particular section was verified through reliable sources.

With respect to Standard 2:04, the probation officer should be aware that any agreement is voluntary, and therefore it is in the best interest of everyone involved to attempt to reach a consensus which will allow for an amicable solution to the problem.

Any agreement between the parties should be reduced to writing, and if approved by the court, all parties should receive a copy of the agreement.

3:00 TERMS OF AGREEMENT/CONDITIONS OF ORDER

3:01 The Chief Probation Officer shall be responsible for establishing written procedures designed to ensure that each child referred by the court for probation officer assistance receives, forthwith, a written copy of the terms of the agreement/conditions of the order signed by the child, the parent(s)/guardian(s), and the probation officer, a copy of which shall be retained in the case folder.

3:02 The probation officer shall, at the time of the signing of the terms of the agreement/conditions of the order, ensure that the child and his parent(s)/guardian(s) understand the obligations and requirements for each party to the agreement/order.

3:03 The probation officer shall inform the parties to any agreement/order that he/she will monitor compliance with the terms of the agreement/conditions of the order. The probation officer shall explain the likely action and possible consequences of non-compliance with any of the terms or conditions.

COMMENTARY

With regard to Standard 3:01, in those instance (provided for in M.G.L. c. 119, s.39E) where the court finds that the interests of the child would be best served by informal assistance without a trial on the merits, the probation officer should utilize the CHINS AGREEMENT. This includes those situations where a petition issued because of an arrest, and the court referred the child to the probation officer for assistance without a trial on the merits.

The CHINS AGREEMENT contains a voluntary set of terms agreed to by the parties with the assistance of the probation officer, though the parties are required to participate in good faith with probation officer referrals and conferences.

The CHINS ORDER should be utilized in those instances where the court has adjudicated the child to be in need of services after a trial on the merits (M.G.L. c. 119 s. 39G). It is a set of conditions which reflect and specify the court's orders.

In addition, anytime the court alters the terms of the agreement/conditions of the order, the probation officer shall be responsible for ensuring that a new written agreement/order is executed by the parties.

With respect to Standard 3:03, the probation officer has the authority and responsibility to refer the child to any appropriate public or private organization for assistance and conduct conferences with the child and the family/guardian for the purpose of avoiding judicial trial on the merits. If the child or the parents/guardian fail to participate in good faith and fail to comply with the terms of agreement/conditions of order, the probation officer shall take appropriate action (see Section 7:00, Case Review/Court Action).

4:00 CASE ASSIGNMENT

4:01 The Chief Probation Officer shall be responsible for establishing written procedures to ensure, when a child is referred by the court for probation officer assistance, or otherwise, when the court places a child under probation officer supervision, that the case is assigned to a probation officer no later than the next working day following action by the court.

COMMENTARY

Standard 4:01 requires each Chief Probation Officer to establish a timely and efficient procedure for assigning children to probation officers for services. The intent of the standard is to establish a system which will ensure that the child begins receiving services immediately upon being referred to probation by the court. The current practice in some courts is to assign a probation officer at date of application. If this is not the case, a system must be established by the CPO, which will ensure that a probation officer is assigned at the time of the agreement/order by the court. It is imperative that a probation officer be assigned to establish a supervision plan, to make appropriate referrals to public or private organizations or individuals, and to ensure that the terms of agreement/conditions of order are enforced.

5:00 CASE PLANNING

5:01 For each child referred by the court for assistance, or when the court places a child under probation officer supervision, the probation officer shall commence appropriate contact with the child forthwith.

5:02 The probation officer shall review and assess all available investigative and evaluative material, and shall develop a written supervision plan which shall be recorded on the chronological supervision sheet, in the following instances: where the court has referred a child to the probation officer for assistance; or where the court intends the probation officer to monitor and/or implement the conditions and limitations prescribed by the court.

5:03 The written supervision plan shall address any informal agreement(s) made between the child and the other parties, on the basis of which the court has agreed to continue the case. In addition, the plan shall include any orders of the court, and shall include the steps to be taken by the child, the parents/guardian, other persons or agencies and the probation officer to resolve the issues which resulted in the CHINS action.

5:04 The written supervision plan shall be completed by the probation officer within 15 calendar days from the date of the agreement/order and shall be reviewed and approved by the (A)CPO within 30 calendar days from the date of the agreement/order.

5:05 The (A)CPO approval of the written supervision plan shall be evidenced by the (A)CPO's initials and date of approval adjacent to the supervision plan and recorded on the chronological supervision sheet.

5:06 If the (A)CPO is not in agreement with the initial supervision plan, the (A)CPO shall confer with the probation officer to resolve any differences. When necessary, the probation officer shall immediately revise the supervision plan and record the revised plan on the chronological supervision sheet.

COMMENTARY

With respect to Standard 5:02, it is expected that the probation officer will review the CHINS PRELIMINARY INQUIRY REPORT as well as any relevant reports from schools/social service, or other appropriate agencies prior to developing a plan of action for the child.

With respect to Standard 5:03, it is intended that the probation officer will develop a supervision plan that is consistent with any voluntary agreements that are made between the child, his parents, or other parties to the CHINS action, on the basis of which the court has agreed to continue the case, and with any orders or suggestions made by the court which are intended to provide a solution to the problem.

With respect to Standard 5:05 the (A)CPO when reviewing the initial supervision plan, should also review all entries made on the chronological supervision sheet subsequent to the recording of the plan to determine if they are consistent with the objectives of the plan.

6:00 SUPERVISION PLAN IMPLEMENTATION

6:01 The probation officer shall implement and monitor the supervision plan, including any informal agreements or orders of the court.

6:02 The date, type of contact and a summary of each activity which relates to the CHINS case shall be recorded on the chronological supervision sheet.

6:03 The probation officer shall have contact with the child, the child's parents/guardian or other appropriate individuals/agencies at least once every thirty (30) calendar days to ensure compliance with all terms of the agreement/orders of the court.

6:04 When circumstances occur which substantially change the nature of the supervision, the probation officer, with the approval of the (A)CPO, shall revise the supervision plan in a manner consistent with the terms of agreement/conditions of order and with any other conditions and limitations prescribed by the court.

6:05 The probation officer and the (A)CPO shall meet to discuss a case at the request of either individual. A notation as to the outcome of that meeting shall be recorded on the chronological supervision sheet.

COMMENTARY

With regard to Standard 6:01, in order to implement a supervision plan which will provide the child and his family with an opportunity to resolve their difficulties, the probation officer should act as a resource broker with appropriate individuals/agencies to ensure that psychiatric, psychological, educational, occupational, medical, dental and/or social services are provided.

With respect to Standard 6:02, all entries made on the chronological supervision sheet should be brief, succinct and primarily focused on the implementation of the supervision plan, including all terms of agreement/conditions of order. The probation officer, during the supervision period, should review the case folder, as necessary, to ensure familiarity with the child's current status, as well as to help ensure compliance with the terms of agreement/conditions of order, and the full implementation of the supervision plan.

With respect to Standard 6:03, the probation officer contacts with the child, parents/guardian or other appropriate individuals/agencies could include face to face, telephone or letter contacts, or written status reports. The intent is to ensure that the probation officer monitors the case and verifies the information received regarding the status of the child, in accordance with the supervision plan.

Upon the court's adjudicating a child to be a Child In Need of Services (CHINS) and committing the child to the Department of Social Services (DSS), the probation officer's responsibility terminates as it relates to the supervision contact level. However, the probation officer may, at the court's direction, continue to monitor compliance with the order, including any conditions and limitations prescribed by the court.

With respect to Standard 6:04, whenever circumstances occur which might affect the supervision plan, the probation officer should re-assess the plan and, if necessary, record a revised plan on the chronological supervision sheet.

7:00 CASE REVIEW/COURT ACTION

7:01 The (A)CPO, shall review each case at least every ninety (90) days from the date of the initial agreement/order, to determine if contact levels are being maintained, and to ensure compliance with agreements/orders.

7:02 Whenever the (A)CPO reviews a case, he/she shall indicate his/her approval of the supervision, by placing his/her initials and the date next to the last entry on the chronological supervision sheet.

7:03 Whenever the probation officer believes that a child or the child's parents have failed to comply with the terms of agreement/conditions of the order, or when other persons or agencies have failed to comply with any other conditions or limitations prescribed by the court, shall bring the case to the attention of the (A) CPO for review. If after such consideration, further action is determined to be appropriate, the probation officer shall inform the parties in writing of his/her intent to bring the matter before the court for review, as well as the basis for a such review. A copy of the notification shall be filed with the clerk/magistrate.

COMMENTARY

Standards 7:01, requires that the (A)CPO review each case every ninety days as long as the agreement/order remains in effect. In addition to approving the initial supervision plan within the first 30 days of the agreement/order, the (A)CPO must review the case within 90 days of the initial agreement/order, and every 90 days subsequent to that date, for compliance with the agreement/order, as well as for compliance with the contact levels.

Standard 7:03, provides a mechanism to respond appropriately to instances of non-compliance with terms of the agreement/conditions of the order, or with any other conditions or limitations prescribed by the court. The notice of VIOLATION OF CHINS AGREEMENT/ORDER should be utilized, and a copy should be retained in the case folder.

8:00 EXTENSION/TERMINATION

8:01 The probation officer, not less than two weeks prior to the expiration of the initial application for services, and prior to the expiration of any other time intervals imposed by the court for services/care, shall meet with the (A)CPO to review the case and to determine what recommendations shall be made to the court regarding the child.

8:02 After consultation with the (A)CPO, the probation officer shall enter his/her written recommendation on the chronological supervision sheet along with the rationale for this recommendation.

8:03 The probation officer, in those instances when the recommendation to the court is to extend the period of court involvement beyond the expiration date of the initial agreement/order, shall notify all parties, in writing, of his/her intent.

8:04 The probation officer, in those instances when the agreement/order has been extended beyond the initial period by the court, shall complete a new terms of agreement/conditions of order form, develop a new supervision plan and record the plan on the chronological supervision sheet.

8:05 Where court policy permits, the probation officer, with the approval of the (A)CPO, shall have the discretion to recommend to the court early termination of probation officer assistance/supervision.

COMMENTARY

With respect to Standard 8:02, the probation officer should be prepared to provide the court with a detailed explanation as to the reason(s) for recommending a continuation of probation officer assistance. The M.G.L. c. 119 s. 39E indicates that unless the parents and child voluntarily agree, in writing, to a continuation (for an additional period not to exceed six months), then the petition shall be dismissed, or if not already issued, a petition shall be issued and a date set for a trial on the merits. The court may rely heavily on the information provided by the probation officer when determining what course of action to take to ensure that the best interests of the child is considered. M.G.L. c. 119, s. 39G requires a finding by the court that the purposes of an order of disposition have not been met, and that an extension of such order of disposition would be reasonably likely to further those purposes.

With respect to Standard 8:03, the parties to the application for the petition may include the school, the police, an attorney(s), DSS or other persons or agencies charged by the court with the care of the child, in addition to the parents.

With respect to Standard 8:04, where the terms of agreement/conditions of order do not change, and where no changes in the supervision plan are necessary, the probation officer may record "no changes in the supervision plan" on the chronological supervision sheet.

With respect to Standard 8:05, a probation officer should exercise his/her judgement and recommend to the court early termination when intervention is no longer necessary and the child is no longer in need of services. In addition, the probation officer shall bring to the attention of the (A)CPO any cases where a child has attained the age of eighteen and is under probation officer assistance/care as a stubborn child or runaway. Similarly, the probation officer shall give such notification on truancy and school offender cases when the child has attained the age of sixteen.

TRIAL COURT OF MASSACHUSETTS — OFFICE OF THE COMMISSIONER OF PROBATION

CHINS PRELIMINARY INQUIRY REPORT

.E AND ADDRESS OF CHILD			DIVISION		COURT NO.
(First)	(Initial)	(Last)	SOCIAL SECURITY NUMBER / /	DATE OF BIRTH / /	SEX
			HEIGHT	WEIGHT	HAIR COLOR / EYE COLOR
TELEPHONE NO. ( )			OFFENDER ETHNICITY ☐ White ☐ Black ☐ Hispanic ☐ Asian/Pacific Islander ☐ Cape Verdian ☐ American Indian		

Part I Initial Screening/Intake Information

SECTION A — IDENTIFYING INFORMATION

NAME AND ADDRESS OF PETITIONER			PARENTS MARITAL STATUS ☐ Married ☐ Separated ☐ Divorced ☐ Widowed ☐ Single
(First)	(Initial)	(Last)	
HOME TELEPHONE NO. ( )	WORK TELEPHONE NO. ( )		LEGAL CUSTODY
NAME AND ADDRESS OF MOTHER			NAME AND ADDRESS OF FATHER
(First)	(Initial)	(Last)	(First) (Initial) (Last)
SOCIAL SECURITY NUMBER	DATE OF BIRTH		SOCIAL SECURITY NUMBER / DATE OF BIRTH
HOME TELEPHONE NO. ( )	WORK TELEPHONE NO. ( )		HOME TELEPHONE NO. ( ) / WORK TELEPHONE NO. ( )

SECTION B — PRESENTED PROBLEM

CHINS ISSUE

☐ Runaway ☐ Stubborn Child ☐ Truant ☐ School Offender

PRIOR COURT INVOLVEMENT ☐ Yes ☐ No	COURT NAME	☐ CHINS ☐ Delinquency ☐ Custody/Probate ☐ Care and Protection

BRIEF NARRATIVE OF PROBLEM

NAME AND ADDRESS OF SCHOOL	TELEPHONE NO. ( )

	CURRENT GRADE	CURRENT STATUS ☐ Attending ☐ Not Attending

SECTION D — AGENCY INVOLVEMENT

NAME OF INDIVIDUAL/AGENCY	TELEPHONE NO. ( )
ADDRESS	

CURRENTLY INVOLVED ☐ Yes ☐ No	LENGTH OF TIME INVOLVED	PAST INVOLVEMENT ☐ Yes ☐ No	DATE(S) INVOLVED

SECTION E — INITIAL RECOMMENDATION(S) BY PROBATION OFFICER

COMPLETED BY	DATE

ADDITIONAL INFORMATION

CHINS PRELIMINARY INQUIRY REPORT

Part II Supplemental Information

CTION F — FAMILY | INFORMATION VERIFIED ☐ Yes ☐ No

a. Parents (Include marital information, parents place of employment, court involvement, insurance coverage)

b. Siblings (Include number of siblings, sibling interaction, court involvement)

c. Home Environment (Include living conditions, family interaction, problems)

SECTION G — HEALTH | INFORMATION VERIFIED ☐ Yes ☐ No

a. Physical (Include serious injuries, hospitalization, handicaps, deformities and probation officer observations)

b. Mental (Include diagnosed mental illness, special needs, past and present treatment, hospitalization and probation officer observations.)

SECTION H — COUNSELING | INFORMATION VERIFIED ☐ Yes ☐ No

(Include school assistance, private consultations with individual psychologist, psychiatrist as well as private/public agencies)

a. Alcohol (Include type, frequency, and duration of abuse, attitude toward alcohol use, circumstances contributing to abuse, treatment received.)

b. Other drug (Include specific drugs abused, frequency and duration of abuse, attitude toward drug use, circumstances contributing to abuse, treatment received.)

SECTION J — SCHOOL (Supplemental Information)

INFORMATION VERIFIED ☐ Yes ☐

(Include attendance, behavior, special needs, effort, test results, grade repeated, absences, achievement, future plans and attitude toward school.)

CONTACT PERSON

( ) TELEPHONE NO.

SECTION K — SOCIAL

INFORMATION VERIFIED ☐ Yes ☐ No

(Include interests, companions/associates, activities, athletics/hobbies, special interests, work history — current/past.)

Part II — Supplemental Information
(continued)

SECTION L — ATTITUDE

(Include information regarding child's acceptance of responsibility and child/parents demonstrated willingness to cooperate - indicate school, family, as well as probation officer's own observation.)

SECTION M — REFERRAL INVOLVEMENT

INFORMATION VERIFIED ☐ Yes ☐ No

(Include information not available or not included in Section D.)

SECTION N — PROBATION OFFICER RECOMMENDATION/PLAN

☐ Informal Assistance
☐ Recommend Petition Issue

(Based upon the information in the inquiry, the probation officer should develop a practical service plan which considers all parties and which is in the best interest of the child.)

TRIAL COURT OF MASSACHUSETTS
Office of the Commissioner of Probation

_____ DOCKET NO.

_____ DIVISION

CHINS AGREEMENT

On _____ (DATE), it being alleged that you, _____ (NAME OF CHILD) are a child in need of services by reason of _____ (OFFENSE), the court has determined that your best interests would be served by informal assistance without a trial on the merits.

With your consent and the consent of your parents/guardian, the court has referred you to a probation officer for the purpose of assisting you and your family in the matter now before the court. Under this agreement, you and your parents/guardian will be required to cooperate with the probation officer. The court will make a further determination of this matter on _____ (DATE). Failure of the parties to cooperate with the probation officer, or failure to participate in good faith in the referrals or conferences arranged by the probation officer, shall result in your appearance before the court for further action.

TERMS OF AGREEMENT

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

have read, and I understand the terms of the CHINS Agreement.

_____ CHILD

_____ DATE

_____ PARENT/GUARDIAN

_____ PROBATION OFFICER

_____ PARENT

TRIAL COURT OF MASSACHUSETTS
Office of the Commissioner of Probation

_____ DOCKET NO.

_____ DIVISION

CHINS ORDER

On _____ (DATE), it having been alleged that you, _____ (NAME OF CHILD), are a child in need of services by reason of _____ (OFFENSE), the court has ordered you to comply with the following conditions. The court will make a further determination of this matter on _____ (DATE).

CONDITIONS OF ORDER

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

I have read, and I understand the conditions of the CHINS Order.

_____ CHILD

_____ DATE

_____ PARENT/GUARDIAN

_____ PROBATION OFFICER

_____ PARENT

CHINS-O-(5/90)

TRIAL COURT OF MASSACHUSETTS
Office of the Commissioner of Probation

_____ DOCKET NO.

_____ DIVISION

VIOLATION OF CHINS AGREEMENT/ORDER

On _____ (DATE), a ☐ CHINS AGREEMENT ☐ CHINS ORDER

was executed between _____ (NAME OF CHILD) and the ☐ probation officer, ☐ court

on a charge that you were a child in need of services by reason of _____ (OFFENSE).

This notice is to inform you of the alleged violation(s) of that agreement/order.

ALLEGED VIOLATION(S) OF AGREEMENT/ORDER

_____

_____

_____

_____

_____

_____

_____

_____

_____

☐ You will receive notification from the clerk-magistrate of the court regarding the date for a trial on the merits of the CHINS petition.

☐ You shall appear on _____ (DATE) at _____ (TIME), for a review and further determination of this matter.

You should contact probation officer _____ (NAME) if have any questions regarding this notice.

_____ SIGNATURE OF PROBATION OFFICER

_____ DATE

Standards of Professional Conduct for Probation Managers of the Massachusetts Trial Court: Office of the Commissioner of Probation, Superior Court Department, Probate and Family Court Department, District Court Department, Boston Municipal Court Department, and the Juvenile Court Department

MASSACHUSETTS TRIAL COURT
OFFICE OF COMMISSIONER OF PROBATION
ONE ASHBURTON PLACE
BOSTON, MA 02108-1612

DONALD COCHRAN
COMMISSIONER

(617) 727-5300

STANDARDS OF PROFESSIONAL CONDUCT FOR PROBATION MANAGERS OF THE MASSACHUSETTS TRIAL COURT: OFFICE OF THE COMMISSIONER OF PROBATION, SUPERIOR COURT DEPARTMENT, PROBATE AND FAMILY COURT DEPARTMENT, DISTRICT COURT DEPARTMENT, BOSTON MUNICIPAL COURT DEPARTMENT, AND THE JUVENILE COURT DEPARTMENT

Pursuant to Massachusetts General Laws, Chapter 276, Section 99, as amended, the following standards, approved by the Chief Administrative Justice of the Trial Court, are hereby established by the Commissioner of Probation, effective January 1, 1991.

August 1, 1990
DATE

Donald Cochran
Donald Cochran
Commissioner

FORWARD

Appreciation is extended to the members of the Professional Code Working Group. They worked diligently and thoughtfully with the Commissioner of Probation and his staff to explore the scope and content of this document, and to enunciate the principles by which probation managers are to guide their conduct.

Professional Code Working Group

Michael A. Bulgaris, Probation Officer-In-Charge, Ipswich District Court; *Omer J. Cormier*, Chief Probation Officer, Gardner District Court; *Vernon J. Cormier, Jr.*, Chief Probation Officer, Dudley District Court; *Raymond F. Crowley*, Chief Probation Officer, Springfield Juvenile Court; *Ronald J. D'Arcangelo*, Chief Probation Officer, Amesbury District Court; *Donald L. January*, Chief Probation Officer, Lynn District Court; *James H. Kazeniac*, Chief Probation Officer, Ayer District Court; *Paul R. Kingston*, Chief Probation Officer, Hampshire District Court; *Frederick J. McConaghy*, Chief Probation Officer, Westborough District Court; *James F. Monahan*, Chief Probation Officer, Chelsea District Court; *Joseph M. O'Reilly*, Chief Probation Officer, Boston Juvenile Court; *Robert J. Pederzoli*, Chief Probation Officer, Milford District Court; *Robert F. White*, Chief Probation Officer, Worcester Juvenile Court.

PREAMBLE

It is imperative that there be public confidence in the integrity and impartiality of the Probation Service of the Massachusetts Trial Court. Those who administer the probation system within the Trial Court must act accordingly, because they hold positions of public trust, and because their behavior reflects upon the administration of justice. The administration of the probation system, therefore, must be conducted with unfailing honesty, respect for the dignity and individuality of human beings and with a firm commitment to professional, accountable and compassionate service.

The purpose of these standards is to preserve and promote such values by enunciating the principles by which probation managers must guide their official and personal conduct.

These standards are applicable to all probation managers including Chief Probation Officers/Probation Officers-In-Charge, the Commissioner of Probation, managerial personnel designated in G.L. c.276 s.98, and other managerial personnel so designated by the Commissioner of Probation.

1:00 Performance of Duties

1:01 A probation manager shall endeavor at all times to perform official duties and administrative responsibilities properly and with diligence, shall apply full-time energy to the business and responsibilities of his/her office during working hours, shall maintain professional competence, and shall facilitate the performance of other probation managers and employees.

a. A probation manager shall actively work at improving his/her knowledge and skills relative to probation management, probation practices and the administration of justice.

b. A probation manager shall require professional competence of his/her staff.

c. A probation manager shall actively support and encourage his/her staff to improve their knowledge and skills relative to probation practices.

1:02 A probation manager shall conduct his/her official duties and all his/her affairs in a manner consistent with the Constitution, laws and legal regulations of the United States, the Commonwealth of Massachusetts and all governments therein, and never be a party to their evasion.

1:03 A probation manager shall perform his/her duties in a manner consistent with all applicable law, court rules, directives and standards.

1:04 A probation manager shall carry out his/her responsibilities in a courteous and respectful manner.

1:05 A probation manager shall not alter, falsify, destroy, mutilate, backdate or fail to make required entries on any records within his/her control. This provision does not prohibit alteration or expungement of records or documents pursuant to a court order, or the destruction, culling or alternative storage of records as permitted by court rule, directive or standard.

1:06 A probation manager, in the performance of his/her duties, shall not discriminate on the basis of nor manifest, by words or conduct, bias or prejudice based on race, religion, national origin, gender, sexual preference, or political affiliation.

1:07 In the course of his/her official duties, a probation manager shall not give legal advice to persons before the court, and must diligently strive to avoid activity which in fact or appearance demonstrates favoritism or prejudice toward persons before the court or toward any attorneys.

1:08 A probation manager shall report to an appropriate authority any unethical conduct by anyone who has official business before the court when the probation manager has either witnessed such behavior or received a written complaint alleging such behavior.

1:09 A probation manager shall not refuse to enforce or otherwise carry out a lawful, properly issued rule or order of the court.

2:00 Use of Position

2:01 A probation manager shall not use or attempt to use his/her official position to secure unwarranted privileges or exemptions for himself/herself or others.

2:02 A probation manager shall not accept, solicit, or agree to accept any gift, favor or anything of value based upon any understanding, either explicit or implicit, that the official actions, decisions or judgement of any probation manager or other court employee would be influenced thereby. Gifts that do not violate this prohibition against abuse of position are further regulated in Standard 4:02(d).

2:03 A probation manager shall not discriminate by dispensing special favors to anyone, whether or not for remuneration, nor shall such manager so act that he/she is unduly influenced or appears to be influenced by kinship, rank, position or influence of any person.

2:04 A probation manager shall not request or accept any fee or compensation, beyond that received in his/her official capacity, for advice or assistance given in the course of his/her official duties.

2:05 A probation manager shall use the resources, property and funds under his/her official control judiciously and solely in accordance with law, court rules, directives, procedures and standards.

2:06 A probation manager shall immediately report to an appropriate authority any attempt to induce him/her to violate any of the standards set out above.

3:00 Confidentiality

3:01 A probation manager shall not disclose to any unauthorized person or agency any confidential information acquired in the course of his/her duties, or acquired through unauthorized disclosure by another.

3:02 Confidential information, subject to current applicable law, court rules, directives and standards, shall include but not be limited to the following:

a. probation record information (adult and juvenile)

b. probation case folder information

c. other case information that is not already a matter of public record.

d. information concerning the case - related work product of any judge, law clerk, staff attorney, probation manager or court employee, including but not limited to notes, papers, discussions and memoranda.

e. personnel files

f. other information so designated as confidential

3:03 Confidential information available to specific individuals or agencies by reason of law, court rules, directives or standards shall be provided only by persons so authorized, and subject to current mandated procedures.

3:04 No probation manager shall be disciplined for disclosing confidential information to an appropriate authority where he/she reasonably believes that such information is evidence of a crime, of unethical conduct or of any conduct which would be cause for discipline of an employee of the judicial branch of government.

3:05 Probation managers shall educate their subordinates regarding the nature of confidential information and the responsibilities associated with it.

4:00 Conflict of Interest

4:01 Probation managers shall avoid conflicts of interest as defined in these Standards; and they shall exercise diligence in becoming aware of conflicts of interest, in disclosing conflicts to an appropriate authority and in ending such conflicts when they arise.

a. A conflict of interest exists when a probation manager's actions suggest or imply a lack of impartiality regarding any matter before him/her.

b. A conflict of interest exists when the probation manager or such manager's immediate family, as defined in these standards, or business would derive financial gain as a result of his/her position within the court system.

c. No conflict of interest exists if any benefit or detriment accrues to the probation manager as a member of a profession, business or group to the same extent as any other member of the profession, business or group who does not hold a position with the court system.

d. For the purposes of these Standards, "immediate family" shall include the following, whether related by marriage, blood or adoption: spouse; dependent children; brother; sister; parent; grandparent; grandchildren; father-in-law, mother-in-law; sister-in-law, brother-in-law; son-in-law, daughter-in-law; stepfather, stepmother; stepson, stepdaughter; stepbrother, stepsister.

4:02 Probation Managers shall avoid the following activities:

a. A probation manager shall not enter into any contract with the court system for services, supplies, equipment, leases, or realty, nor use his/her position to assist any member of his/her immediate family in securing a contract with the court system in a manner not available to any other interested party.

b. A probation manager shall not accept tips, or other compensation for representing, assisting or consulting with parties engaged in transactions or involved in proceedings with the court system.

c. A probation manager shall not solicit, accept or agree to accept any gifts, loans, gratuities, discounts, favors, hospitality or services under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the probation manager in the performance of official duties.

Nothing in this standard shall prohibit:

1. a probation manager from accepting a public award presented in recognition of public service.

2. any person or group from donating a gift of historical or other significant value that is given for the benefit of the court system, provided that such a gift is received on behalf of the court system by the appropriate designated authority.

d. A probation manager shall not engage in the practice of law in any form.

4:03 A probation manager shall abide by the requirements, applicable to him/her, regarding the conduct of public employees and financial disclosure, embodied in the Massachusetts General Laws c.268B.

4:04 Outside employment is permissible for a probation manager only if it complies with the following criteria:

a. The outside employment is not with a person or an entity that regularly appears in court or conducts business with the court system;

b. The outside employment is capable of being fulfilled outside of normal working hours and is not incompatible with the performance of the probation manager's duties and responsibilities;

c. The outside employment does not require or induce the probation manager to disclose confidential information acquired in the course of and by reason of official duties;

d. The outside employment is not within the judicial, executive or legislative branch of government, unless explicitly allowed by statute, or by regulation or opinion of the STATE ETHICS COMMISSION; and unless explicitly agreed to in writing by both employers.

4:05 A probation manager shall regulate his/her other outside activities to minimize the risk of conflict with his/her official duties. A probation manager may write, lecture, teach, and speak on any subject, and engage in the arts, sports, and other social and recreational activities, if such avocational activities do not detract from the dignity of his office or interfere with the performance of his/her official duties.

4:06 A probation manager may participate in civil and charitable activities that do not reflect adversely upon his/her impartiality, interfere with the performance of his/her official duties, or undermine the community's confidence and trust in the court system. In so doing, the probation manager may serve as an officer, director, trustee, or non legal advisor of an educational, religious, charitable, fraternal, or civic organization.

a. If it is likely that the organization would regularly appear or conduct business with the court system, the probation manager shall disclose that fact to the appropriate designated authority prior to accepting a role with the organization;

b. A probation manager may solicit funds for such an organization, but shall not use or permit the use of court resources, court facilities, or the prestige of his/her office for that purpose.

c. A probation manager may call his/her staff's attention to a general fund raising campaign affiliated with the Commonwealth of Massachusetts.

5:00 Activities to Improve Probation Practices and the Administration of Justice

5:00 A probation manager should speak, write, lecture, teach, and participate in activities that improve probation practices and the administration of justice.

5:02 Probation managers should maintain active memberships in state, regional and national professional organizations that are committed to the improvement and advancement of the field of probation and the administration of justice.

a. He/she may serve as an officer or director of such organizations.

b. He/she may assist such an organization in raising funds and may participate in their management and investment, and public fund raising activities; provided that he/she shall not use or permit the use of court resources, court facilities, or the prestige of his/her office for that purpose.

5:03 A probation manager may appear at a public hearing before an executive or legislative body or official on matters concerning probation practices and the administration of justice, and he/she may otherwise consult with an executive or legislative body or official on matters concerning probation and the administration of justice. However, in all public statements a probation manager should explicitly differentiate between whether he/she is representing the official position of the Massachusetts Probation Service and/or the Massachusetts Trial Court, or whether he/she is expressing his/her individual personal opinion.

6:00 Political Activity

6:01 A probation manager may participate in political campaigns during non-working hours. Such activity includes, but is not limited to, making contributions of time or money to individual candidates, political parties or other groups engaged in political activity.

6:02 A probation manager who chooses to participate in political activity shall not use or permit the use of his/her position or title within the court system in connection with such activity.

6:03 A probation manager shall abide by current Trial Court policy as enunciated in the "Personnel Policies and Procedures Manual" regarding his/her candidacy for, or holding of elective office.

6:04 A probation manager shall not engage in any political activity during scheduled work hours, or when using government vehicles or equipment, or on court or official office property.

6:05 A probation manager shall not use or permit the use of his/her official authority or position, directly or indirectly, to influence or attempt to influence any other employee in the court system to become a member of any political organization or to take part in any political activity.

6:06 A probation manager shall not discriminate in favor of or against any employee or applicant for employment on account of political contributions or permitted political activities.

6:07 A probation manager, in the course of his/her participation in any political activity, shall act in accordance with the principles enunciated in the Preamble of these Standards; and in all situations shall conduct himself/herself in a manner which upholds the integrity and impartiality of the Probation Service of the Massachusetts Trial Court.

7:00 Implementation

7:01 In any provision of these Standards where there is a reference to "appropriate authority", such reference shall, subject to law, court rule, directive or standard, include but not be limited to the following:

a. The Professional Conduct Advisory Committee;

b. The Commissioner of Probation or his/her designee;

c. Any Massachusetts Justice, First Justice, Chief Justice;

d. The Chief Administrative Justice of the Massachusetts Trial Court or his/her designee;

e. The Chief Justice of the Massachusetts Supreme Judicial Court or his/her designee;

f. Any commission, board, committee or other person or entity with authority or jurisdiction over the matter in question.

7:02 There shall be a Professional Conduct Advisory Committee established and appointed by the Commissioner of Probation. The Commissioner of Probation shall serve, ex officio, as a member and as the chairperson of the Committee. The Commissioner shall appoint the remaining members to three-year terms; the initial terms being staggered, as follows:

a. One member shall be appointed from those designated as managers within the Office of the Commissioner of Probation. This member also shall serve, ex officio, as staff to the Committee. The initial term of this position shall be for three years.

b. Two members shall be appointed from the Chief Probation Officers of the District/Boston Municipal Court Departments. The initial term of one of these positions shall be for three years; and the initial term of the remaining position shall be for two years.

c. One member shall be appointed from the Chief Probation Officers of the Superior Court Department. The initial term of this position shall be for two years.

d. One member shall be appointed from the Chief Probation Officers of the Juvenile Court Department. The initial term of this position shall be for one year.

e. One member shall be appointed from the Chief Probation Officers of the Probate and Family Court Department. The initial term of this position shall be for one year.

f. The Commissioner of Probation may re-appoint members to any number of additional terms, provided that he/she appoints no member to more than two consecutive terms.

7:03 The Professional Conduct Advisory Committee shall have the authority to issue advisory opinions regarding these Standards; to issue advice to probation managers in identifying the "appropriate authority" to which a matter should be referred or reported; or to refer a matter to an "appropriate authority" for further action.

a. Requests for advisory opinions shall be in writing, signed by the probation manager seeking the opinion; and shall state fully the facts relevant to the questions being asked.

b. The Advisory Committee shall not render advisory opinions on hypothetical questions.

c. The Advisory Committee may decline to render an advisory opinion for any reason which it deems sufficient.

d. Each advisory opinion of the Committee shall be in writing, shall contain a statement of the facts and shall apply the relevant standards to reach a conclusion.

e. The Advisory Committee shall publish its advisory opinions annually, deleting names and other identifying information unless the probation manager requesting the opinion consents to or requests the inclusion of such information.

7:04 If a probation manager has not omitted or misstated any material facts in the request for an advisory opinion, that probation manager may rely on that advisory opinion in guiding his/her conduct, until or unless that opinion is revised, revoked or superseded by law.

7:05 A probation manager may not be disciplined for actions undertaken in reasonable reliance upon an advisory opinion rendered to him/her by the Advisory Committee.

7:06 Disciplinary action arising out of alleged violations of these Standards shall be conducted in accordance with current law, court rule, directive, policies and procedures, and standards.

7:07 The Commissioner of Probation may, with the assistance of the Professional Conduct Advisory Committee, promulgate Operating Rules by which such Advisory Committee shall conduct its business.

Standard Prohibiting Probation Officers from Carrying a Firearm

Massachusetts Trial Court: Office of the Commissioner of Probation

Superior Court Department

Probate and Family Court Department

District Court Department

Boston Municipal Court Department

and the

Juvenile Court Department

MASSACHUSETTS TRIAL COURT
OFFICE OF COMMISSIONER OF PROBATION
ONE ASHBURTON PLACE
BOSTON, MA 02108-1612

DONALD COCHRAN
COMMISSIONER

(617) 727-5300

STANDARD PROHIBITING PROBATION OFFICERS FROM CARRYING A FIREARM MASSACHUSETTS TRIAL COURT; OFFICE OF THE COMMISSIONER OF PROBATION SUPERIOR COURT DEPARTMENT PROBATE AND FAMILY COURT DEPARTMENT DISTRICT COURT DEPARTMENT BOSTON MUNICIPAL COURT DEPARTMENT AND THE JUVENILE COURT DEPARTMENT

Pursuant to Massachusetts General Laws, Chapter 276, Section 99, as amended, the following standards, approved by the Chief Administrative Justice of the Trial Court, are hereby established by the Commissioner of Probation, effective September 1, 1990.

August 1, 1990
DATE

Donald Cochran
Donald Cochran
Commissioner

A probation officer shall not carry a firearm in the performance of his/her duties.

Commentary:

A probation officer is primarily an officer of the court. His/her role and purpose is to enforce court orders (i.e. sanctions and penalties) and to foster rehabilitation through casework interventions. These elements have historically characterized the profession and set it apart from other criminal justice agencies. The carrying of a firearm radically changes not only the role, but also the public's perception, of the profession.